

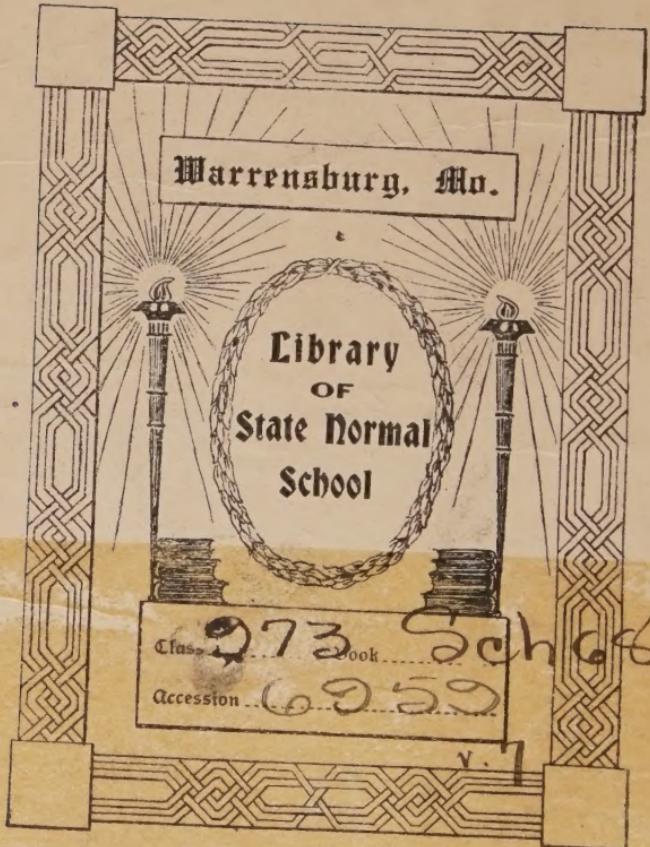


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VII.

THE RECONSTRUCTION PERIOD

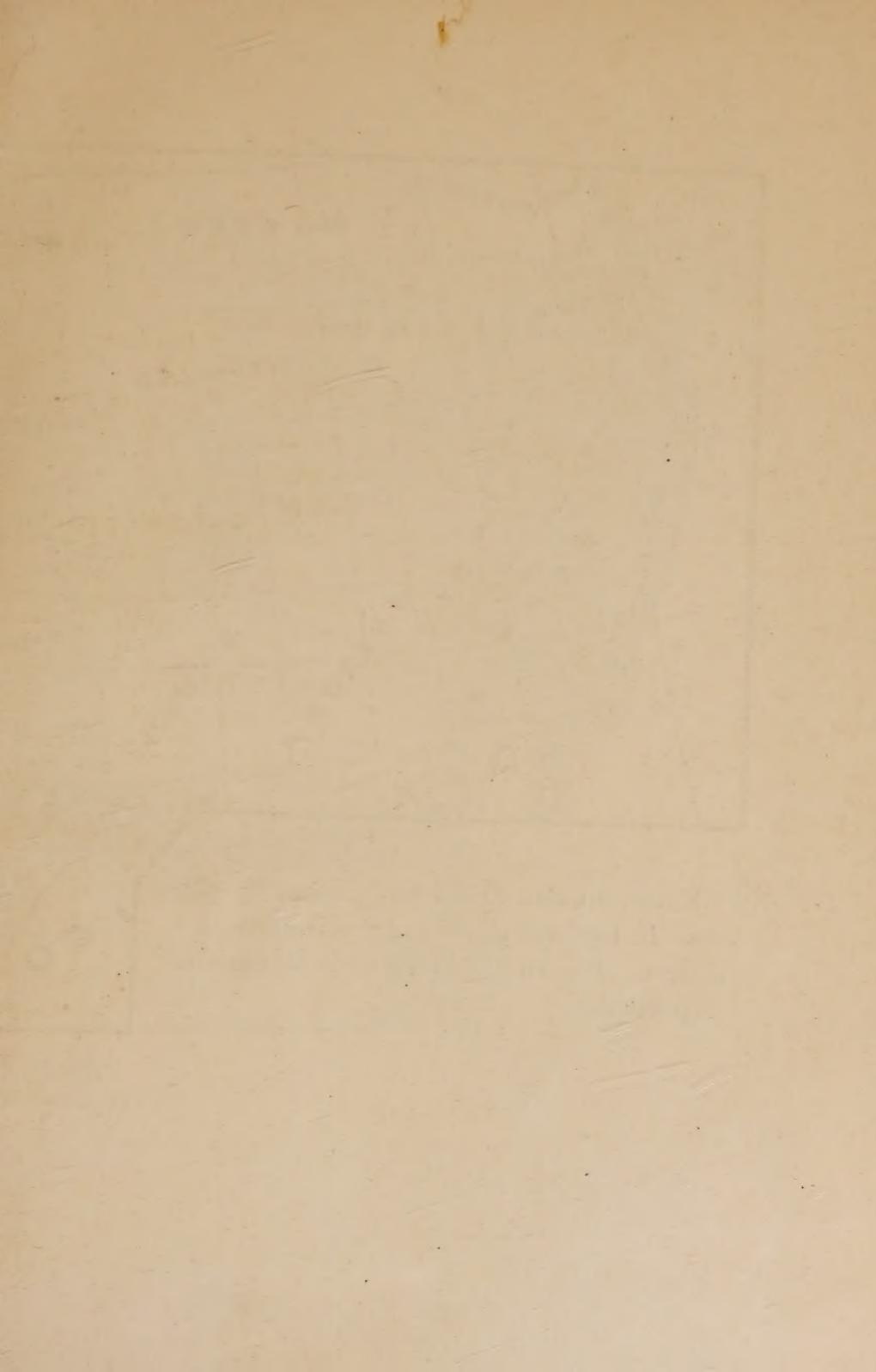
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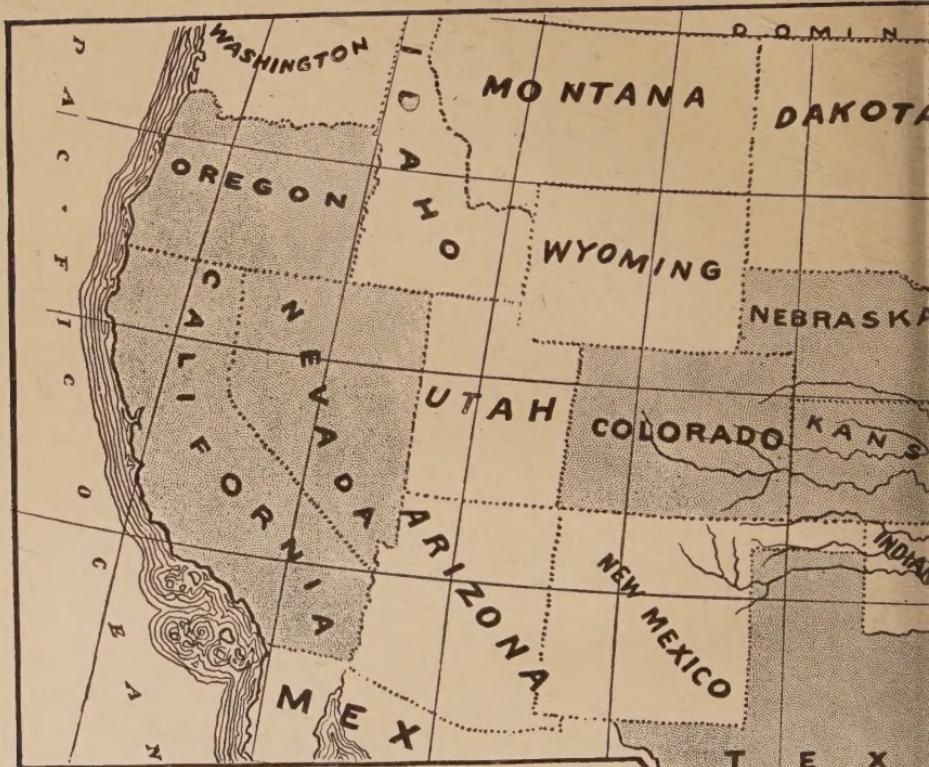
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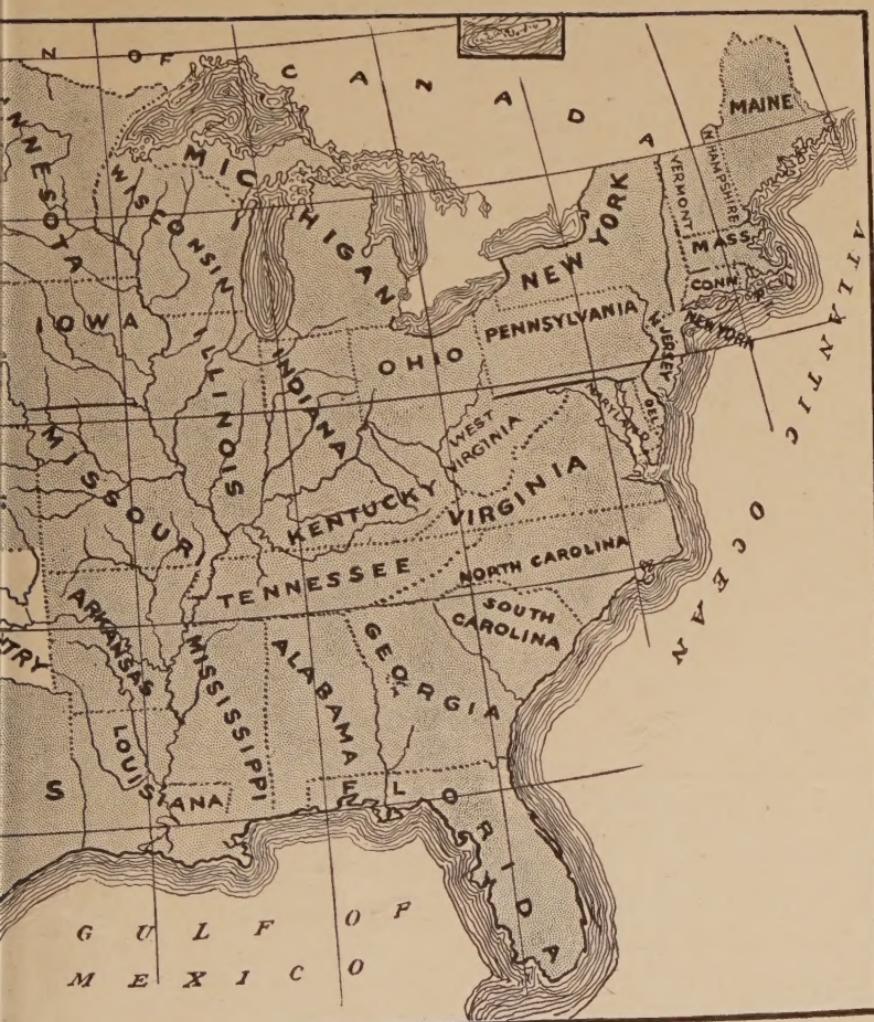
THOMAS JEFFERSON (in the "Makers of America" series).  
HISTORICAL BRIEFS, WITH BIOGRAPHY.  
CONSTITUTIONAL STUDIES, STATE AND FEDERAL.  
EIGHTY YEARS OF UNION.  
AMERICANS OF 1776.





NOTE.—Russian Alaska was acquired by purchase in 1868 and placed under a territorial government. The census of 1870 made no count of its population.

THE UNITED  
(The untoned portion)



TES IN 1876  
(represent territories.)



HISTORY  
OF THE  
UNITED STATES OF AMERICA

UNDER THE CONSTITUTION

BY  
JAMES SCHOULER

VOL. VII. 1865-1877

NEW YORK  
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PUBLISHERS

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## PREFACE.

I seem to have been borne onward by some invisible current, where I had repeatedly thought myself in port. Good general health, abundant leisure, an active mind and confirmed habits of industry, conjoined with a special physical infirmity whose gradual increase drives me into social seclusion—this must be my explanation for taking up again after a long interval the historical pen twice laid aside.

In the preface to my sixth volume I stated my reasons for issuing a narrative of the Civil War. And now, at the lapse of fourteen more years, I add a seventh volume to cover the Reconstruction Period, meaning that this publication shall be the last. Its composition came about quite casually. When President Johnson's posthumous manuscripts were placed in the Library of Congress, about eight years ago, I made a careful study of them, stating the general results in published articles. The conviction I then gained that injustice had been done to Johnson in the popular estimate of his official career was strongly confirmed when, in 1910–11, the Diary of Secretary Welles relating to that Executive term appeared in print in the *Atlantic Monthly*. I now carefully studied the whole record of that term for myself, and as a result felt deeply that this much maligned President needed a vindication, as against other historical writers; and furthermore, that the vindicator ought to be myself. Hence was prepared a course of lectures which I gave recently at the Johns Hopkins and Harvard Universities; and from those lectures developed the present narrative of the Johnson administration.

To add the tale of President Grant's two terms, with which I was already familiar, has not been difficult; and here I have relied greatly upon the judicious and accurate

recital of Mr. Rhodes, with whose general views I find myself in harmony. But I have studies and recollections of my own to present for those eight important years; and hence, while referring to Mr. Rhodes's pages for fuller details on many points, I have given especial prominence to some topics of my own which his narrative omits or touches upon lightly.<sup>1</sup>

This whole Reconstruction Period is indelibly impressed upon my memory, recalling days of happy youth. During those twelve years I passed much of the time in Washington on professional business and for the greater part of Grant's two administrations I virtually resided there. In current politics I was greatly interested. Public men and events I studied for myself at close range. All the great leaders at the nation's capital, civil or military, I saw and met, and with some of them I was fairly intimate for a young man who was neither in public life nor journalism. Hence, in the course of my present volume, I sometimes take a reminiscent tone, which ought to confirm the truth of the narrative, and, I trust, does not detract too much from its dignity.

A General Index to the whole work of seven volumes (1783-1877) assures both the reader and myself that this history will not be continued farther.

In taking leave of a personal enterprise which has been pleasantly pursued at intervals for nearly fifty years, I make a final request. All extensive history is largely read by proxy, and most persons accept the estimate of a historian as rendered by critics and experts, instead of perusing pages diligently for themselves. By all criticism of my work, whether friendly or unfriendly, I have sought to profit. And in the course of these many years I have found opportunity, not only to revise my text wherever desirable, but to re-write and issue in new plates all the first four volumes. Hence, in the new edition of my second volume, I was able to make use of the researchful and extensive

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<sup>1</sup> E. g., sections on the District of Columbia and Centennial Celebrations.

work of Mr. Henry Adams relating to the Jefferson and Madison administrations; and in the volumes which next succeed, to use the Jackson and Polk papers, not available originally. I was the earliest of authors to explore the manuscript collections, when made accessible, of five of our Presidents,—Monroe, Jackson, Van Buren, Polk and Johnson; and early magazine articles and Society papers written by me upon each collection, will bear out this statement. My last request, therefore, is, that my merits as a historian of our country may be judged by my whole work as I now leave it.

JAMES SCHOULER.

INTERVALE, N. H., *June 27, 1913.*



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HISTORY  
OF  
THE RECONSTRUCTION PERIOD.

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CHAPTER I.

ADMINISTRATION OF ANDREW JOHNSON.

PERIOD OF THIRTY-NINTH CONGRESS.

April 15, 1865—March 4, 1867.

PERIOD OF FORTIETH CONGRESS.

March 4, 1867—March 4, 1869.

SECTION I.

PRESIDENT JOHNSON AND POSTERITY.

We are now at half a century's perspective from the period of Abraham Lincoln's tragic administration; and the greater the distance the more surely do we behold his fame set among the stars. Next in order will Andrew Johnson's scarcely less troubulous term come up <sup>1865-1869.</sup> for posterity's judgment; and if we mistake not, that unhappy Executive, weighted with tremendous responsibilities thrust suddenly and inevitably upon him by fate, will be held in kinder regard by posterity than he was by fellow-countrymen during his lifetime.

Two recent contributions to the momentous annals of 1865-1869 should aid in that more favorable estimate. One is the manuscript collection, placed a few years ago in the Library of Congress, which Andrew Johnson himself preserved, as though for a vindication of his Pres-

idency. The other is the Diary of Gideon Welles, Secretary of the Navy, which was kept through the administrations of both Lincoln and Johnson and is but lately<sup>1</sup> published in full—the remarkable contribution to contemporary history of a remarkable man, who proved himself a loyal, faithful and competent adviser and administrator to each President whom he served in succession through years never to be forgotten.

The Diary record of Secretary Welles should be taken with allowances which I shall dwell upon later;<sup>2</sup> but of his sincerity of purpose and the general accuracy of fact in what he wrote down almost daily in private, as one of the Cabinet at Washington, there can be no question. In articles which Welles contributed to the *Galaxy* soon after his retirement from office, he drew upon this Diary for revelations of the Civil War and President Lincoln's administration. But as to President Johnson and Reconstruction, no disclosure was ever made until long after his own death, when the printing of that record was begun in 1910 in the *Atlantic Monthly*, which is now followed by a complete publication of the Diary as a work of three volumes.

John T. Morse, who has written for these volumes an introduction—himself an eminent biographer and scholar whose word should carry weight in American politics—, says truly of this Diary that its picture of Andrew Johnson is highly favorable and may lead to at least a partial revision of popular opinion concerning him. And there is another and earlier vindication of that President in Secretary McCulloch's "Men and Measures," a book which historians have cited and quoted, but apparently have not studied nor taken to heart in its valuable testimony.<sup>3</sup>

James Ford Rhodes, who has composed the standard narrative covering this Reconstruction period, is justly considered a fair-minded and painstaking historian,

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<sup>1</sup> 1911.

<sup>2</sup> Section II, *post.*

<sup>3</sup> See Section II, *post.*

accurate and researchful in his general work. But I think his chapters which relate to the years 1865-1869 are quite unjust to Johnson, both from what he states openly of that President and from the manner of his statement. He begins his exposition<sup>1</sup> by saying that "of all men in public life it is difficult to conceive of any one so ill fitted for the delicate work (*i. e.*, of reconstructing the South) as was Andrew Johnson." And he proceeds to create a prejudice by summarizing Johnson's antecedents and character, once and for all, at the beginning of his narrative of this Presidential term; laying much stress upon his humble origin and breeding, and his early struggle for self-education and a rise in life—in all of which Johnson's record differed not greatly from that of his immortal contemporary, Lincoln, except that the one, as a poor white born in slavery's mean environment, was transferred early to a pioneer free State, there to struggle still under surroundings only gradually improving, while the other remained in his native section and rose, a Southern plebeian, to rule in time a patrician planter set that had disdained him. For to be brought up to the trade of tailor is scarcely more undignified than to pursue the calling of rail-splitter or flatboatman.

Mr. Rhodes disparages Andrew Johnson as one having no early association with people of cultivation and moral excellence. He speaks of his extreme egotism, his self-confidence and boastfulness, and makes allusion to the ludicrous impression he produced when he first sat in Congress, as though that first impression were the latest. And asserting, upon quite doubtful proof, that Johnson began his Presidency by encouraging Sumner and the Radicals in their plans, and then lunched over to conservatism, he qualifies his praise of the clement and generous policy to which, as he freely concedes, the new Executive soon committed himself and to which he adhered thenceforth, by blaming his steadfastness of purpose and his failure to compromise or yield. And finally, with

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<sup>1</sup> V. Rhodes, United States, c. 30.

scarce a notice of the dignity and forbearance with which this President maintained his attitude in all public intercourse and communications, he quotes at length from his familiar balcony utterances, when serenaded, or while on his Northwestern tour, more than insinuating that such speeches were made while under the influence of liquor.

For personal training and inspiration, Johnson had what was far better than any intimacy among "gentlemen born"—for with such the clown in *Winter's Tale* could rank himself in four hours—and that was an angel of a wife, whom he married early, and who, besides making him a constant home, taught him to write and read to him for improvement while he sat at his workman's bench. Her purifying influence pervaded his nature through all his marvellous rise in life. "The pupil of his wife" McCulloch styles him. She was his companion and counsellor at the White House, where they were surrounded by a family of daughters and grandchildren and lived a wholesome domestic life; and for a brief period she survived him. One of Johnson's married daughters, Mrs. Patterson, was a favorite in the White House, and warmly devoted to him.

Mr. Rhodes's chapters covering the Johnson administration were mostly composed before either the Johnson manuscripts or Welles's record of those years became accessible. Professor Dunning, a keen investigator but inclining to levity in his conclusions, examined, indeed, the Johnson manuscripts, bringing to light the fact that President Johnson's first message to Congress was substantially the work of the historian, George Bancroft, who at that time was living in retirement in New York City.<sup>1</sup> This discovery has been widely used as though to disparage Johnson still further, as a President too ignorant and illiterate to compose his own State papers.

That first message—certainly an able and dignified one, as all admit—was prepared for a momentous occasion; and Welles shows in his Diary that, while ignorant as to its

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<sup>1</sup> Mass. Hist. Society Proceedings, Vol. XIX, p. 395.

composition, he satisfied himself that none of the Cabinet had anything to do with it.<sup>1</sup> A critic of Professor Dunning's paper has shown by comparison that the staple of that message was to be found in President Johnson's previous speeches,<sup>2</sup> whence one might fairly infer that Bancroft, instead of composing the President's message for him, worked into literary shape materials which Johnson himself supplied. The Johnson Collection shows only that, over this, as in other matters, President and historian were at that time in close and confidential intercourse. And Welles himself observed of the message (which he liked and thought would prove acceptable to Congress) that "the views, sentiments and doctrines are the President's."

That Andrew Johnson, when first as President confronting Congress, many of whose leaders were known to be hostile to him, should have sought such assistance, shows, at least, that he was not so vulgarly egotistical and self-confident as some have imagined, and that he conscientiously desired to place himself strongly before the country. And we have Washington's example for justifying any President in employing pens more facile and skilful than his own in public utterances or public documents.

But, be all this as it may, George Bancroft left America early in 1867, to be Minister to Prussia; and yet this President's messages and State papers continued to show strength and dignity through a nearly four years' term replete with controversy. In his correspondence with General Grant over the latter's surrender of the War Department, which he had held *ad interim* while Stanton was suspended, we see him pressing his adversary closely and with forceful ability. It is only in those largely unpremeditated and violent speeches which he made orally, letting himself go and flinging official dignity to the winds, that as President he seemed really ridiculous; and dearly did such appeals cost him and his supporters at the polls in 1866.

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<sup>1</sup> Diary, Dec. 5, 1865.

<sup>2</sup> Am. Hist. Review, Vol. XI, p. 951.

Probably, while he called upon others to aid him in public composition, Andrew Johnson had trained himself into a strong and effective penman for political discussion. Earnest in his views and always patriotic, he had "vigorous common sense" (as Welles styled it), "great sagacity and wide comprehension." And why should he not have become by this time a forceful writer on American political topics? His career, we should recall, had been long and eminent as a public man prior to that momentous year which saw him associate and then successor of the martyred Lincoln. Alderman and mayor of the little city of Greenville when scarcely of age was only fame's beginning for him. His own community, trusting him more and more widely upon experience, sent him in 1843 to Congress, where he served faithfully for ten years in the House of Representatives. In 1853 and again in 1855 he was chosen Governor of Tennessee; and then in 1857 he took his seat as a United States Senator from Tennessee. Here Southern secession found him in 1861; a Democrat who had supported Breckenridge and Lane through the Presidential canvass, yet who now denounced all schemes of separation following Lincoln's election and alone of the Southern Senators pledged himself unconditionally to the Union. This loyalty exposed him to grave personal danger from the secessionists of his State, when he returned home to organize and inspire the element still remaining loyal. During his whole Senatorial life in Washington he had shown himself a man of high ideals in political life, and sturdily fearless and independent in his public attitude.

President Lincoln in 1862 appointed this Senator the military governor of Tennessee, a post of difficulty and personal danger, and in that service he displayed an energy and wisdom that attracted wide admiration in the North and led to his selection for Vice-President by the Union Republican Convention of 1864, which renominated Lincoln as President. His rise in public service, from first to last, had been spontaneous and based upon sound and efficient service, and not as the result of trickery or artful manipulation.

True, as Mr. Rhodes has pointed out, Johnson had not, like Abraham Lincoln, that other self-made statesman, entered politics by way of the legal profession with its important discipline. Yet, unlike Lincoln, he had been rocked and almost cradled in public responsibilities, and had fulfilled a long career both as executive and legislator, serving the Union as well as his important State. Such a public experience ought to afford a fair substitute discipline for any man of aspirations and capacity.

But this President, we are told further, had acquired drinking habits while military governor of Tennessee. Too much may be imputed by such a charge. The demon alcohol, we well remember, made fearful ravages, both North and South, during those four years of fratricidal strife. It was a period of sudden reverses in private experience, of sudden military exposure to death and disability, of sudden wealth or ruination civilly—a period when men's lives lapsed into reckless savagery while at the seat of war, far from all social constraint and the tender companionship of pure women and children. In the soldier's life weeks of sheer idleness in camp would be followed by strenuous marches and encounters, incessant over-exertion and physical exhaustion. Whiskey, as a stimulant or a medicine—not to mention convivial uses—was much in evidence in those days, and far too much so. None of us who wore shoulder straps, at one interval or another, but knew well that fellow-officers, high or low in grade, indulged in liquor more or less habitually, and that those who totally abstained were fewer than they who showed themselves at times the worse for it. Virtue lay in a temperate use of the cup, or, at least, in showing no ill effects from it while on duty.

Andrew Johnson, most unfortunately for himself, was intoxicated when sworn in as Vice-President of the United States. That initial lapse from grace created a prejudice far and wide, and could never be forgotten through the years of his higher exaltation. Yet he never again offended in public official intercourse, so far as

history is aware, and in that respect his whole behavior as President or Vice-President was above reproach. That he admitted his lapse at the outset is evident from the fact that he preserved the proof among his own manuscripts; and doubtless both he and his devoted wife mourned the mortifying incident and resolved that such conduct should not be repeated.

The written statement of his predecessor, Vice-President Hamlin, which Johnson preserved, was to the effect that both men rode together to the Capitol, at which time the Vice-President elect appeared quite sober, but that, on arriving at the Senate wing, he complained of nervous exhaustion and took a slight drink of whiskey to steady himself; and that this little was enough to exhibit him to the distinguished Senate audience intoxicated. Later, while President, some of his remarks unofficially made to a crowd might have suggested a similar condition, especially while he "swung round the circle" on his ill-advised Western tour of 1866. But it would seem, either that a little liquor loosened Johnson's tongue when speechmaking, or rather, that, without drinking at all, he would lose his self-poise and self-control under strong excitement.<sup>1</sup>

That Johnson as President was quite accessible at the White House—that to callers, whether of public or private standing, he appeared sensible and kindly, listening patiently to advice, somewhat reserved in comments, but conversing with sobriety and self-restraint, is the universal testimony of contemporaries qualified to give it. Had it been otherwise, this President had personal enemies enough to spread tales to his injury. He seemed neither exhilarated nor morose to his many visitors, neither muddled nor of fitful temper. A dignified delegation he could address with dignity. Senators, such as Sherman, pronounced him "kind and patient, with all his terrible responsibility." Even Sumner spoke of him as pleasant and pacifying in discussion.

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<sup>1</sup> This subject is considered at length in Sections II, V, *post*.

Secretary Welles describes this Executive in Cabinet intercourse as a willing listener, receiving information and suggestions from his advisers and taking their opinions upon important questions; with only the fault of being too secretive and uncommunicative, and, as perhaps his gravest political error, failing to inspire, with a frank and free confidence, willing friends at the other end of the avenue, who might speak and work better on his behalf in House or Senate, when fully authorized by him to do so.

To turn to Johnson's nobler traits as a public man. Through all his long and notable career, steadily upon the upward grade, he was inflexibly honest, both personally and politically. When he became President, he refused from admirers the gift of a coach and equipage, lest he might be placed under obligations officially to the givers. He would aid a relative from his private purse, but would not appoint him to office.<sup>1</sup> Upon his retirement from the Presidency he could challenge criticism in the language of the Hebrew prophet: "Whose ox have I taken? Or whom have I defrauded? Whom have I oppressed? Or of whose hand have I received any bribe to blind mine eyes therewith?"

Of Johnson's courageous loyalty to the Union in times of stress and peril, his steadfast devotion, through weal or woe, and the noble service he rendered in rescuing Tennessee from the toils of a false Confederacy, the proofs are many. He shone, a beacon light to fellow-citizens, through gathering dangers. He would address an angry mob of neighbors in 1861, armed with a loaded pistol for self-protection. Welles, in his Diary, notes an incident of that year, related to him, where a Northern man at the Burnet House in Cincinnati heard a commotion at breakfast time, and, going to the entrance, saw this patriot dismounting, dusty and travelworn, for a rest. He was then on the way to Washington, to take his seat in the Senate

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<sup>1</sup> B. C. Truman in *Century Magazine*, January, 1913, p. 438.

for the extra session of Congress convened in July by Lincoln's proclamation. Government had given him a military escort for his personal safety across the half-rebellious State of Kentucky.

Johnson's public consistency and faithfulness under a tremendous pressure for political apostasy also deserves our praise. There was no duplicity or treachery, no *ignis fatuus* of a self-seeking ambition, about him. He would have liked the personal vindication of a second term from the people, but he made no effort to ingratiate himself with one party set or another, nor was he self-deceived. Not all the blandishments brought to bear upon him could persuade him to Tylerize or to bestow his patronage so as to strengthen the opposition party of 1864, which now freely reorganized. Union men, trustworthy and of high personal character—men such as Lincoln himself would have selected with applause—filled the national offices to the end of his term; "Copperheads," or those with a disloyal record, made no headway with him.

And so, too, with his Cabinet. Johnson kept and was content to retain the advisers President Lincoln had left behind him. His own changes in this respect were few, and such, except in the War Department, as came naturally and provoked no harsh comment. Of the greatest Secretaries inherited from his predecessor, Seward, Welles and McCulloch stayed loyally by him, giving their distinguished support to the last. Stanton alone played false and opposed him. No one of his whole Cabinet resigned whom he did not replace by a worthy successor.

Between Welles and President Johnson grew a strong intimacy which extended to their respective households. Each of these men ranked as a Union Republican, with Democratic rather than Whig or Free-Soil prepossessions, and each revered the memory of Andrew Jackson. Each was somewhat elderly in years and record. At the last family farewell in 1869, Welles wrote in his Diary: "No better persons have occupied the Executive mansion, and

I part from them, socially and personally, with sincere regret.”<sup>1</sup>

Welles's own estimate of President Johnson is clearly expressed in the written pages of his Diary and reiterated either at length or casually. “He has great capacity” (to quote the record of 1867), “is conversant with our public affairs beyond most men, has much experience, possesses great firmness, sincere patriotism, a sacred regard for the Constitution, is humane and benevolent. Extreme men and extreme measures he dislikes; secession and exclusion are alike repugnant. The radicals accuse him of being irritable and obstinate, but the truth is, he has been patient and forbearing almost to infirmity under assaults, intrigue and abuse.”<sup>2</sup> And again Welles styles him “as pure, as honest, as patriotic a chief magistrate as we have ever had.”<sup>3</sup>

Besides the fault of unconfidence to which I have alluded, so that many of his most important steps in the Presidency were taken “without the knowledge of any person whatever,” Johnson is criticised by this Secretary for a want of promptness and timeliness, when taking a decisive step to assert himself, and hence failing of his purpose. “Had he been less yielding,” writes Welles, “less hesitating, more prompt and decided, had he met radical error and misrule at the threshold, checked the first innovations on his prerogative, dismissed at once faithless public officers, he would have saved himself and the country many difficulties.”<sup>4</sup>

To this we may add the belief that had this Executive avoided brass-band demonstrations, out-of-doors oratory, and popular stumping tours for the newspapers to report and comment upon to his injury, confining himself rather to public messages, letters deliberately written and the official reception of callers and delegations at the White House, he would not have been so widely misunderstood and misinterpreted by our people, and, most likely, might

<sup>1</sup> Diary, March 17, 1869.

<sup>2</sup> *Ib.*, August 31, 1867.

<sup>3</sup> *Ib.*, January 15, 1867.

<sup>4</sup> *Ib.*, August 31, 1867.

have kept his hold upon a third, at least, of the House of Representatives, and thus caused his vetoes to be respected. Johnson proved himself a much wiser statesman than politician while in supreme station, and was wanting in tact and flexibility.

With corrective estimates like these to qualify the baser imputations of hostile contemporaries, who did their best to load him with reproach and infamy, we are now prepared to review, at a sufficient interval, the details of Johnson's ill-starred administration through a term of office replete with strange incidents and strangely liable to misconception. History's task is to unravel complications, not to leave public entanglements unexplained—to illuminate and not to keep under a bushel. No quarrel can progress without at least two obstinate opponents. And of this we should reassure ourselves, first of all, that to live nobly and with honorable intent is better than to be nobly born. No matter how humble his antecedents, nor how miserable his birth and early surroundings, the man who struggles onward and upward in life, through toil and tribulation, training and improving himself as he may, while seeking to be of real service to his fellow-men, develops, under our free institutions, a character deserving of confidence and respect. Only they who are selfish and unscrupulous in a high ambition are surely to be dreaded, and only sordid tricksters and trucklers deserve contempt. A steadfast soul may shine out, despite its failings, and even the greatest of statesmen have their faults of character.

## SECTION II.

### THE JOHNSON CABINET.

At the Kirkwood House, where he boarded, Andrew Johnson was quietly sworn into office, on the forenoon of April 15, 1865, following that fearful Good-Friday night when murderous conspiracy lodged a fatal bullet in Abraham Lincoln's brain and attempted the butchery of his

Secretary of State. The day was gloomy and threatening. The dead body of the martyred President had just been borne to the White House in a hearse from the mean brick dwelling, opposite Ford's Theatre, <sup>1865, April 15.</sup> where he had breathed his last about seven in the morning. To this sudden successor the oath of office was administered by Chief Justice Chase in the presence of cabinet officers and a few Senators and other public men who happened to be in the city. Johnson showed deep grief and an earnest sense of the tremendous responsibilities so strangely and suddenly shifted upon him. "The duties are mine," he said with sincere emotion; "I will perform them, trusting in God for the consequences."<sup>1</sup>

In a conference with his predecessor's cabinet, which next followed—all but Seward being present—Johnson besought each and all of the members to continue in office and give him that combined support of which he felt the need in this difficult emergency. To this they assented, to his manifest relief, and the formality of tendering resignations was dispensed with. The new President's whole bearing at this date was admirable and favorably impressed spectators and the whole country; tending thereby to calm the hysteria of excitement to which the strange spectacle of assassination, where a ruler is chosen by the people, had given rise.<sup>2</sup>

The cabinet counsellors President Johnson thus brought over from the previous administration, included three notable Secretaries of remarkable force and energy, each of whom served him faithfully to the last. These <sup>1865-1869.</sup> were Seward of the State Department, Welles of the Navy, and McCulloch of the Treasury. Stanton, the Secretary of War, made a fourth for conspicuous zeal and ability, but he did not show the same loyalty to his chief nor remain equally undisturbed at his post. Of the three other cabinet offices under President Johnson, a brief mention of the occupants may suffice. James Harlan

<sup>1</sup> New York Tribune and other newspapers of the day.

<sup>2</sup> McCulloch's Men and Measures, 374-376.



(succeeding John P. Usher<sup>1</sup>), as Secretary of the Interior, William Dennison as Postmaster General, and James Speed, as Attorney General, served acceptably until the new President's strained relations with Congress in the summer of 1866, caused them to resign. Their respective posts were promptly supplied with advisers equally honorable and competent, of a conservative cast, and yet such as Lincoln himself might have selected: Orville Browning, Alexander W. Randall and Henry Stanbery. Harlan soon entered the Senate, while Dennison, who had been Ohio's war governor, went into retirement, as also did Speed. Browning, lately a Senator, had been Lincoln's choice friend in Illinois; Randall was promoted from First Assistant Postmaster General and had held other important offices; Stanbery of Ohio ranked high at the bar. Resigning the Attorney Generalship to become counsel for the President, when the latter was impeached in Congress, Stanbery was later renominated to the office, but the Senate majority, angered by the outcome of the trial, refused to confirm his appointment and he resumed his private practice. William M. Evarts then became Attorney General for the brief remnant of Johnson's term.<sup>2</sup>

Among the great cabinet officers who served under this or the preceding administration, William H. Seward and Gideon Welles alone maintained an unbroken record for these eight historic years. And, of the two, Welles, by reason of the Diary he kept, stands solely for posterity a narrator as well as an actor in the cabinet confidences of that epic period. Seward, at the outset, had thought of keeping some journal of the kind, but abandoned the idea. How, with incessant laborious composition of another

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<sup>1</sup> Usher had resigned while President Lincoln was alive, on behalf of McCulloch, as Secretary of the Treasury, because both were residents of Indiana.

<sup>2</sup> The vacant post was first offered to Ex-Justice Benjamin R. Curtis who declined it. Both Curtis and Evarts had been of the President's counsel at the impeachment trial. Johnson Ms.

kind for his prime public function, he could have kept up such a record by way of mental recreation, it would be hard to conceive; and besides, the very nature of diplomatic correspondence with other nations forbids that the Secretary conducting it should at the same time commit his secret thoughts to paper which might get mislaid or reach hostile hands. Yet we may suppose that, had Seward kept his own private Diary for these years with the same introspective fidelity as Welles, or that statesman of an earlier epoch, John Quincy Adams, posterity might have counter-testimony to weigh as against the many harsh things which jealous contemporaries of those eight years said or wrote of him, Welles included.

Welles's Diary, in its political judgment of men and events of that eight years' period, must be taken with allowances, because of the author's idiosyncrasies and political bias; and this without imputing the least untruthfulness in his record of facts stated from his own knowledge and observation. An elderly man, as public life has been reckoned in America—for he was only a year younger than Seward, who took care of himself with precaution, as one who had passed his prime—Gideon Welles, a Connecticut voter, had figured in national politics, like our premier, far back in the thirties; not, however, as a public speaker or man active in affairs, but as a journalist and ready political writer. His early sympathies were enlisted on behalf of Andrew Jackson and the Democracy, at a time when Seward in the great Empire State of our Union, came to the front as an orator and responsible leader among Anti-Masons and Whigs, serving presently as a Whig Governor and United States Senator, and by speech or writing promoting the cause of those transient parties in succession. Hence an antipathy in political antecedents which Welles cherished to the end of his life, hateful of each and every party movement that bore the stamp of the Seward and Weed alliance, so long potent just beyond Connecticut's bor-

der.<sup>1</sup> How Welles came into the Republican fold at all is not clear; but that party originated in a conglomerate opposition to the Kansas-Nebraska Act; and with neither Whigs nor the so-called Free-Soil defection from the Whig party was Welles ever identified. His espousal of the Republican cause must have been with an inveterate dislike of centralized national powers through paternalism or patronage; with a strong predilection for State rights and State autonomy in any normal situation of politics; and under all circumstances, for a Jacksonian assertion of the Executive as against any hostile Congress.

Welles was but little known among national aspirants during the formative period of the Republican party, and though a Connecticut delegate to the Chicago convention of 1860, which nominated Lincoln for President, he was esteemed rather as an occasional writer for the local press than a political craftsman or organizer. When Lincoln made up his cabinet list with this man to represent New England, disregarding the wealth of renowned champions for freedom, whether radical or conservative in temperament, which that section of the country could so abundantly supply, there was felt a disappointment. Perhaps this President-elect had some special acquaintance with Welles; perhaps he wished to avoid the clash and pressure of those more pretentious rivals; or possibly, knowing that Massachusetts and the other New England commonwealths were secure in party fealty, he sought thus to anchor to his administration the ever uncertain State of Connecticut.

This elderly Secretary of the Navy, at all events, took up his department duties, quietly and without boastfulness, but thoroughly conscientious in his performance, and with far more energy and capacity than had been expected of him. True, Welles knew little personally about ships or navigation, but he had some previous experience in naval provisioning. Gustavus V. Fox, whom he made his

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<sup>1</sup> John Bigelow writes that Gideon Welles's prejudices against Seward dated back to Whig times and policies. 1 *Retrospections*, 196.

Assistant Secretary, was an excellent man for that post; being in the prime of life, resourceful, with already a large experience in naval affairs, and admirably qualified by habit and disposition to dispatch the public business. There were various naval bureaus, besides, each headed by a naval officer of expert knowledge. Under such combined auspices, the Navy Department was admirably conducted, and Fox perhaps, rather than his elderly chief, gained most of the credit for it.

Welles's personal appearance was not such as to give assurance of great executive efficiency on his part. With features stern and set, a dark wig surmounting his head, and a full white beard in strange contrast under the chin, this Secretary gave to casual beholders the impression of respectable mediocrity. Some jestingly dubbed him the "old man of the sea," recalling Sindbad's story. One who saw him at Washington, as I did on a sunny September afternoon in war times, pacing slowly the gravelled walk of Lafayette Square and leaning on the arm of a friend, while the Marine Band played to the people, would have thought him rather some harmless zealot of a religious cult than a civil administrator with vast responsibilities. When, in 1861, the buoyant Governor Andrew of Massachusetts went the round of the departments at the Capital on public business, "Where," he asked, jestingly, "shall I find that old, long-bearded, Connecticut deacon?"

But this Secretary evinced throughout the Civil War the wisdom of his selection by a discreet and efficient conduct of the work committed to him. He did well his own important share in conquering the Confederacy, where our promptness with a blockade and a constant superiority to the South in naval strength gave the most steadfast assurance of Union success. Naval officers and the comparatively few civilians who had dealings with his department, got to liking the old gentleman. Naval expeditions were well conducted and naval business went smoothly, whoever might get the chief glory of it. Among colleagues in cabinet conference, Welles gave his advice modestly but frankly, mostly in opposition to the Secre-

tary of State, whose intrenchment somewhat carelessly upon the privileges of his department, in our earliest warlike preparations, he never forgave, but repeatedly grumbled over it in his writings. In fact, both politics and his intimacy with Fox, who was a brother-in-law of Montgomery Blair, inclined him to take sides in discussion with Lincoln's Postmaster General, whose friendship he still cherished after the latter went into retirement, and, indeed, for the rest of his life.

Such was the author of the "Diary," now fully published as a highly important posthumous contribution to the inner history of two memorable administrations. By a happy inspiration, and while scarcely aware whither public events were ominously leading, Welles began a private journal, upon entering cabinet life at the capital, and continued it for the whole eight years that he remained in office. A ready writer from long habit, and seldom harassed by strenuous official duties extending beyond the usual department hours, he would devote his evenings to writing in these "red books," as his family came to style them, jotting down the official incidents of each day, with his own comments upon them, the leaders he met, and the public situation. Composed with an old-fashioned plainness and sincerity of expression, the record reveals to us the strong personality of the writer, his prejudices, his foibles, and his opinions. The diarist, though far from admitting faults or failings on his own part, showed a keen perception of the short-comings and mistakes of others with whom he came in contact, and his standards of public duty, like his estimates of men and measures, were rigid and exacting. So far as he saw, he saw clearly, though the atmosphere of vision was largely of his own creation. His statement of facts may better be relied upon than his surmises, suspicions or passing deductions.

By April, 1865, when the Southern cause was suppressed, rebel privateering swept from the ocean, Lee's army surrendered and disbanded, Richmond captured, and the President of the Confederate States sent southward a

fugitive, this Secretary of the Navy had become one of the great figures to be immortalized in American history and he realized it; and this all the more, after Lincoln's death, when he found himself assured of a continuance at his post under Johnson, the successor. He felt justly proud of the honorable part which his department had borne in the mighty conflict. He rejoiced that his own foresight had given to Farragut the chief opportunity for naval distinction and he regarded that hero as second to none other on the Union side.

There were special reasons why Welles should now come into strong sympathetic accord with President Johnson. Each viewed past politics alike in early experience; each was inflexibly honest, upright and patriotic, conservative by temperament, combative, if need be, and fixed in his prepossessions. Each softened in vindictiveness towards prostrate Southerners of their own race, and neither was fanciful as to the average calibre of the Southern negro just set free. Both, moreover, cherished a liking, in the retrospect, for the Jacksonian modes of dealing with an opposition. The Diary shows that, under this Johnson administration, Welles felt bold and confident of his ground, and that in cabinet conferences it was he of all advisers who nerved the President most strongly and strenuously to maintain his ground against a House and Senate disposed to usurp all the functions of government and renew a military reconstruction of the South, regardless of the Commander-in-Chief of army and navy designated by the Constitution.

Welles lived until 1878, about nine years after this Johnson administration and his own term of office ended, with his record of that stormy period undivulged. One may wonder whether, in the interval, he revised those written pages—not, of course, in sinister respects, but so as to color or expand his own comments. Certainly, the record, as posterity now reads it, shows a marvellous grasp of the immediate public situation, and a forecast, almost prophetic, of the evils to result from the Sumner-Stevens programme of reconstruction with which the dominant

national party soon saddled itself. Against such a programme Welles shows himself squarely set. When colleagues of the cabinet, more guarded against vexing Congress, were for leaving a veto message as originally prepared by the President, without adding an irritating argument by way of further objection, Welles was for inserting that argument, offence or no offence. Through thick and thin he was for a veto every time, and for the most uncompromising attitude on the part of the Executive. In his own eyes political expediency weighed but little when principles seemed at stake. But Andrew Johnson, wiser and more experienced in politics, well knew that he, an accidental President, little known at the North, could not attempt with success the full *rôle* of that other more famous and more popular Andrew of Tennessee who, in any event, kept his hold upon one branch of Congress; and that knowledge made him hesitate, though by nature he was courageous and obstinate.

But if Welles stood in this Johnson cabinet, for a fearless, daring, high-handed initiative, Seward, whose influence carried probably the greater weight with the President and council, was for conciliation, at least in demeanor, and for the avoidance of needless irritation or a disruption of the great Union party. A strong point with that astute statesman through life, was to mask his penetration of an opponent's designs—to use adroit and baffling arts, while holding to the main purpose, and to keep up the social amenities of life even with those most bitterly opposed to him. All such mystifying serenity Welles detested, for he was open in his likes or dislikes. Gauging quickly Stanton's duplicity with this administration he blamed the Secretary of State for bearing up with that colleague so as to try to keep him true. And when Seward showed himself at the capitol, during a debate, sitting by the side of Sumner in one wing or of Thaddeus Stevens in the other, this diarist recorded his utter disgust with the misleading spectacle.

As a fact, neither of these two great Secretaries had

the real influence with the President which might have been surmised; for all accessible evidence is to the effect that while Johnson listened well to advice and even courted it, he weighed it all in silent deliberation and as to his own plans was for the most part uncommunicative. I should not wonder if he consulted his wife and daughters more than he did any fellow-statesman. And the Johnson manuscripts indicate clearly that much of the advice which most influenced his course of action came from quite outside of his cabinet; as in the striking instance of George Bancroft's connection with the President's first message to Congress, to which I have alluded, of which the cabinet remained wholly ignorant.<sup>1</sup> Indeed, for the first year of his administration, at least, it seemed as though leaders throughout the land, of every shade of political opinion, were writing to this Chief Magistrate to prompt him as to what he ought or ought not to do, aside from those many oral counsellors who thronged the White House. In this Johnson collection we find preserved for that year the resolutions of various bodies, public or private, from State legislature and social or religious conventions, down to ward political clubs; some of them handsomely engrossed on parchment and adorned with ribbons. Johnson was careful and methodical in preserving his manuscripts.

Another corrective to be applied to the disclosures of Welles's Diary, during this administration, was his own jealous disposition. To envy, as Lord Bacon reminds us, "fellows in office and those that have been bred together" are apt to incline, inasmuch as the greater fame of an equal brings the other into an upbraiding comparison. Seward, in an Auburn speech, made in the fall of 1865, when he had recovered from his wounds, lauded Stanton highly, as the Carnot of our Civil War, while speaking mildly of the Naval Department as though its honors (so Welles imagined) were to be shared between the

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<sup>1</sup> *Supra*, p. 4.

Secretary and Assistant Secretary. Welles was splenetic over all this; reiterating in his journal the disgust he felt over "the humbug of Stanton's immense labors," which he thought no greater than his own. Traces of such jealousy are often perceptible in the Diary, both as to Stanton and Seward, and even to the imputation that the Secretary of State himself felt envious of the writer. It mattered little that Seward was described as now and then accosting Welles genially or inviting him to dinner to meet a friend; something would be said or done by him as though to assume that he himself was the greater man of the two, and Welles returned home to discharge his venom in the secret pages of his journal.

Of Seward himself and his subtle character, his long and distinguished career and eminent service through our Civil War, his faults and virtues as a statesman, and his transcendent merits for the post he occupied, I have elsewhere discoursed at length.<sup>1</sup> And I simply repeat here what President Lincoln used to say of him, that he was "a man without gall," always disposed to speak and think well of others associated with him in public life, however censorious or severe might be their criticisms of him. Clearly recognizing, once and for all, that the prize of a Presidential nomination which slipped from his grasp in 1860 would remain forever beyond his reach, he did not sulk like Webster, nor plot like Calhoun, nor re-kindle vain personal hopes like Clay, but gave cheerfully his best efforts for the rest of his life to smoothing the path of two famous administrations as a loyal subordinate.

Hugh McCulloch, Secretary of the Treasury, was a third tower of strength to President Johnson's administration; having been promoted in early 1865 to the head of that department from Comptroller of the Currency, upon the retirement of Fessenden, who returned to the Senate. He showed himself a sound and discreet financier, guarding well the Treasury under his charge, piloting

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<sup>1</sup> Schouler's United States, Vols. V, VI, *passim*.

skilfully through national debt and difficulty, and as a cabinet adviser giving wholesome and conservative counsel. McCulloch had the unique distinction of serving in this high office under three different Executives; for President Arthur, in 1884, called him from a long retirement, to fill a vacancy for the remainder of his expiring term of office. Under President Johnson this Secretary's annual reports gave a much needed stability to the credit of the United States both at home and abroad. Of the first of them, as he tells us, together with the President's message of December, 1865, Minister Charles Francis Adams wrote home from London to a friend: "I know nothing better in the annals, even when Washington was chief and Hamilton his financier."

In a volume of personal recollections which he issued in 1888,<sup>1</sup> McCulloch discussed the present administration at much length and paid to Andrew Johnson's memory a full and becoming tribute. His testimony, which amply confirms that of Welles's Diary, deserves the greater credence since each must have written without knowledge of the other's record. "No public man in the United States," writes McCulloch, "has been so imperfectly understood as Andrew Johnson. None has been so difficult to understand. He had few personal friends; in no one did he entirely confide. He had many faults, but he abounded also in admirable qualities."<sup>2</sup> "In his administration of the government Mr. Johnson labored under great disadvantages. He had been a Democrat, but his connection with the Democratic party was severed when he became the Republican candidate for the Republican Vice-Presidency. He was disowned by the Republicans when he antagonized the Reconstruction measures of Congress. For a good part of his term he was President without a party." "By the Republican press, and by some members of Congress, he was denounced as a traitor not only to his party but to the country;" and this "all

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<sup>1</sup> Men and Measures of Half-a-Century. See *ib.*, p. 220.

<sup>2</sup> *Ib.*, 369.

in disregard of his services in the war and the terrible trials to which he and his family had been subjected by his fidelity to the Union." "He was accused not only of political offences, but of personal misconduct of which there was not the slightest proof."<sup>1</sup>

Upon the oft-repeated charge of intemperate drinking to which I have already alluded<sup>2</sup> McCulloch's testimony is clear and positive and deserves to be carefully weighed. That most unfortunate exhibition which Johnson made when sworn in as Vice-President had impressed this Secretary unfavorably, as it did others, and in spite of a reassurance on that point from President Lincoln, he still entertained misgivings which only time and close observation removed, after this Vice-President had succeeded to supreme station. "I had good opportunities for observing his habits," writes McCulloch, "and my fears made me watchful." And, reciting the occurrences of the first six weeks of the new Presidency, while Johnson occupied a room in the Treasury Building adjoining his own for daily business and receptions, this Secretary states that there was no liquor there and the President drank nothing stronger than tea. "For nearly four years," he continues, "I had daily intercourse with him, frequently at night, and I never saw him under the influence of liquor. I have no hesitation in saying that, whatever may have been his faults, intemperance was not among them."<sup>3</sup>

As for Edwin M. Stanton, his vehemence and prodigious energy, while Secretary of War, and withal his success in that department during the historic period of Lincoln's administration, deserve a lasting renown. All this, as well as his general traits of character, historians of those struggling years, including myself, have dwelt upon. His strange and tortuous course afterward, which led to open affront and opposition as a cabinet adviser to Johnson's

<sup>1</sup> Men and Measures, 403, 404.

<sup>2</sup> *Supra*, p. 7.

<sup>3</sup> Men and Measures, 373, 374. See also B. C. Truman (Johnson's Secretary) in *Century Magazine*, January, 1913, p. 438.

administration, will be best developed in our narrative detail. Welles, already jealous of the superior glory accorded to the War Department as compared with his own, and vexed at Stanton's domineering behavior in the administration, while the new President stood uncommitted and the Secretary of State was necessarily absent from all conference, suspected his colleague early of secret connivance with the Radicals.<sup>1</sup> "Stanton has an assumed frankness," observes the Diary in 1866, "but his coarse manners cover a good deal of duplicity."<sup>2</sup>

### SECTION III.

#### THE PRESIDENT'S SOUTHERN POLICY.

Mr. Rhodes begins his narrative of Johnson's official term with the charge that this President made "a political somersault" between the first and second months of his administration, "changing from harshness to lenity."<sup>3</sup> I think he is quite mistaken. He quotes in proof of his assertion a speech of Johnson which boldly declared that "treason must be made odious, traitors punished <sup>1865, April.</sup> and impoverished," etc.<sup>4</sup> But that speech Johnson made, April 5th, in response to a serenade, just after Richmond had fallen, and while he was still Vice-President, having no direct responsibility for the policy to be pursued; and that speech the newspapers now republished after his accession to the Presidency.<sup>5</sup> We find him called upon, during these first really responsible weeks, and forced to respond off-hand to Northern delegations who were eager to elicit his views and impress him with their own; but, so far as his remarks have been reported, he is shown to have spoken with official sobriety, as a listener rather than to proclaim his purpose—openly,—and, moreover, to visitors

<sup>1</sup> The Diary (May 9, 1865) denounces "the rash, imperative and arbitrary measures of Stanton at this time—carrying others with him even against their convictions." See also Diary, August 19, 1865.

<sup>2</sup> Diary, June 30, 1866.

<sup>3</sup> V. Rhodes, *United States*, 522, 523.

<sup>4</sup> *Ib.*

<sup>5</sup> *New York Tribune*, April 17, 1865.

within doors and not to a casual outside crowd. It would not be strange if the same keynote of making treason odious, was struck which still echoed and re-echoed through the land; but his language was neither blunt, vindictive nor passionate, his replies were rather as of one who was deliberating upon a policy, who had both pardon and punishment to consider, and who would hold himself wholly responsible to the people for all his official conduct.<sup>1</sup> Republican presses of high standing applauded his reception of those who were thus intruding upon his valuable time and making him the target of their elaborate orations, to enlighten him.

For further proof of Johnson's alleged somersault is adduced that indiscreet proclamation of May 2, which charged Jefferson Davis with actual complicity in the assassination of Lincoln. But Welles's Diary shows

April, plainly that this proclamation was not issued upon  
May. the President's initiative, but upon that of the Secretary of War, who submitted at a cabinet meeting the draft, prepared by himself, and supported by a summary of circumstantial proof from Holt, the judge-advocate general. Rather reluctantly, but upon the faith of Stanton's positive pledge that the facts were as alleged, the Cabinet approved the issue of that proclamation and the President signed and published it.<sup>2</sup> That Holt, however, now a bureau officer, had shrunk from the cabinet stature he presented in the early months of 1861 was soon apparent; his charge against Davis proved ill-founded, and grown gloomy, morose and suspicious, though honest in his beliefs, President Johnson soon said that whatever came from that quarter partook of Draco and Nero.<sup>3</sup>

Stanton, in fact, in those earlier weeks, while the premier lay confined at home, slowly recovering from his injuries, seemed to take President and cabinet into his personal charge, and, though full of energy and resource,

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<sup>1</sup> See New York Tribune, April 18, 22, 1865, responses to an Illinois delegation and to a committee from the Union League Club of New York.      <sup>2</sup> Diary, May 2, 1865.      <sup>3</sup> *Ib.*, Feb. 1, 1866.

did much to give this administration an unduly fierce and menacing aspect at the outset. Welles records that this Secretary at once showed himself tyrannous and compelling with his colleagues, rash, impetuous and arbitrary. Needlessly severe in setting aside General Sherman's initial compact for the Confederate Johnston's surrender—which all must admit was a blunder, though an honest one—Stanton published his own unfavorable comments in the press, without the President's knowledge or sanction, and provoked thereby Sherman's open resentment. As for arrested criminals of the Booth conspiracy, who were promptly arraigned before a court-martial in Washington, he avowed that he meant to have them tried and executed before Lincoln's remains were buried in Illinois: but, as Welles observes, it took longer.<sup>1</sup>

Allowance must be made, however, for the popular tension of feeling in those anxious days which closed our great civil conflict under strange and bewildering conditions. Those were times of dread and "horrible imaginings," North as well as South. Speed, the Attorney General, alarmed lest Sherman had disloyal designs against the Union he served, pictured him as possibly arresting Grant, when the latter would arrive to overrule him, and then marching his legions in menace to the capital, crossing the Potomac like another Rubicon. Stanton, too, far into the summer of 1865, kept a military guard at his Washington residence, and walked the streets with a stout "bruiser" close at hand, to protect him from bodily assault.<sup>2</sup>

But, once more, President Johnson is charged with having given the radicals reason to believe that he would make negro suffrage a prerequisite for Southern readmission,<sup>3</sup> as they urged him to do. That imputation rests wholly upon Senator Sumner's much too confident report to his friends, after private interviews he had held early with the new President. Johnson's own report of such conversations is wanting. That the Massachusetts Sena-

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<sup>1</sup> Welles's Diary, 1865, *passim*.   <sup>2</sup> *Ib.*   <sup>3</sup> V. Rhodes, 522, 523.

tor, tarrying these weeks at the capital in the interval of Congress, sought earnestly to bring the successor to views which he had pressed in vain upon the predecessor whose funeral procession was in progress, is certain; but the wish for a full and immediate enfranchisement of the freedman in the conquered States must have been father to the thought. "Not yet," "not at once," was his admitted purport of President Johnson's reply, while desiring to please; and when Sumner told Welles exultingly that the new Executive had actually committed himself, the latter, with good reason, expressed himself incredulous.<sup>1</sup> Andrew Johnson, as I shall presently show, held quite liberal views in theory as to extending gradually the suffrage to all negroes qualified to exercise it; and were any Southern State to confer full suffrage at once, of its own accord, this President was not likely to make objection. But that he, a Southerner born and bred, and brought up in close contact with both negroes and the master race,—a State-rights Democrat, too, believing heartily in the constitutional power of each State to regulate the local suffrage for itself—that he should have seriously intended to impose full and immediate ballot rights by Presidential ukase upon the ignorant masses just redeemed from slavery in his section, regardless of Southern State wishes—and that, moreover, while scarcely six Northern States as yet permitted negroes to vote at all—, is preposterous. Nor can we believe that a statesman as honest as Andrew Johnson could have intentionally deceived Charles Sumner on such a point, any more than that Charles Sumner would have undertaken to deceive him.

When we turn to authentic accounts in the current press, in Welles's Diary, or elsewhere, we see President Johnson during the first six momentous weeks which followed his induction, listening attentively to advice of all kinds, and seeking, with just deliberation, to frame a course of action. His cabinet he meanwhile assembled

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<sup>1</sup> Diary, May 10, 1865,

frequently to give their advice on essential points, while reserving his own opinion. Meanwhile events moved rapidly for bringing the weary warfare to a close. Mobile's capture and the final surrender of General Johnston's Confederate army were among the earliest announcements of this Presidency. The Booth conspirators were tracked with energy and arrested; Booth himself was shot and the others put speedily on trial by a court-martial at Washington, convicted, sentenced and punished. The early weeks of May saw the last fugitive armies of the South, which were pursued toward Texas, melting rapidly away or forced to surrender, one after another. Before that month ended Jefferson Davis himself was captured on the flight and consigned to Fortress Monroe; while other leading officials of the late Confederacy, such as Stephens and Reagan, were arrested and sent as prisoners elsewhere. Executive orders issued for reopening trade, under prudent restrictions in the Southern ports, now fully under Union control. Insurrection, in fine, was completely crushed; and, following a grand pageant and review at Washington, which lasted two days, our uniformed volunteers who had borne the Stars and Stripes so long and so creditably were disbanded and sent home to their several States, to become civilians once more. Peace, smiling peace, with victory crowned, overspread this whole national domain by the end of May.

On May 29th, and after only about six weeks from his inauguration, President Johnson made clear his policy. He issued a general proclamation of amnesty and pardon to the South, with the restoration of all private property and personal rights, on condition of <sup>May 29.</sup> swearing obedience to the constitution from henceforth. Exceptions were stated in the case of rich and responsible participants specified; but even here pardon might be granted by the President to those who made special application to him; and such (as Mr. Rhodes has well observed) the President pardoned "freely and wisely."<sup>1</sup>

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<sup>1</sup> V. Rhodes, 535.

On this same 29th of May, the Executive plan of Southern reconstruction also appeared, as applied to North Carolina, first of all, and presently to the other vanquished States in turn, of the late Confederacy.<sup>1</sup> Except for Virginia, whose loyal government at Alexandria President Lincoln had previously recognized, and Tennessee, which Johnson himself, when provisional governor, had organized to Lincoln's acceptance, Southern States, each with its former rights and autonomy recognized as before secession, were to be summoned in convention by a provisional governor to frame a local constitution anew. Under Johnson's proclamation, all voters, qualified for the suffrage just prior to secession, who now conformed to the terms of amnesty, might vote or take part. What should be the qualification for the future in voting or office-holding, each new State convention or legislature could settle for itself, as had been the rule with our Union from the beginning. But, in any case, each State thus reorganizing was to accede specifically to three fundamental conditions, namely: to adopt the XIIIth amendment which abolished slavery, to repeal its ordinance of secession, and to repudiate all debts it had incurred in aid of disunion.

For the Southern State governments now set up in accordance, the President's general authority, as Chief Executive of the Union, was enhanced by his war powers as Commander-in-Chief of army and navy under the constitution, to restore order throughout a chaotic region, lately the seat of war, which was still occupied by troops of the Union and held subject to his supreme military control and supervision. Such a policy asked no immediate assistance from Congress; the whole situation needing, most of all, a strong and single grasp, autocratic and firm, such as both North and South had been well accustomed to in recent years. And thus, while a renewed representation in Congress plainly remained for each House to determine when that body should come together in regular session in December, the States lately rebellious

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<sup>1</sup> V. Rhodes, 526, 527.

were all brought back promptly into normal relations, without much casuistry as to whether they had been actually in or out of the Union.

Yet Congress, after all, must have had the last word in this whole business of acceptable reconstruction and readmission; and hence, as directly representing the opinion and will of the loyal people, its final approval was still in abeyance and waited for. Not that this body should complicate the present situation by causing delay and divided counsels and confusing the Executive, where instant and positive action had been imperative; but that it should with due deliberation and discussion revise and pass upon present results. Hence no one, at the outset, had asked to hamper the new President by calling Congress into special session at once. Nor was Johnson himself wanting in a fearless and patriotic sense of responsibility founded in long public experience. Upon the present course this administration, which included some of the ablest counsellors of that preceding it, was in complete unison. Concerning amnesty, suffrage, and the other points involved in reorganizing the South, the cabinet had been fully consulted, and Lincoln's own reissued draft of April 14th made the basis of this President's proclamation. Negro suffrage was the only point of consequence discussed at all in these conferences as indicating a difference of views. And while Stanton had first proposed allowing "loyal citizens" (which meant to include the full negro element) to take part, in each Southern State convention—Dennison and Speed siding with him, against McCulloch, Welles and Usher (Seward being still absent), all agreed finally to the plan which the President now promulgated. For, as Welles argued forcibly, the true rule of conquest was not to subvert local usages more than necessary.<sup>1</sup>

But upon this full Executive plan as proclaimed in

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<sup>1</sup> "All laws, not inconsistent with those of the conquerors, remain to the conquered until changed." Diary, May 9, 1865, etc.

May, Sumner, Wade, Thaddeus Stevens and various other radicals, who were for exalting the negro freedman at once, took issue. With some, philanthropy for the colored race, or a strained regard for the ballot as the negro's essential guaranty against oppression and wrong by his late master, afforded a prime reason; while with others it was rather practical politics, so as to forfend new political alliances of Democrats, South and North, which might endanger the present supremacy of the Republican party in national affairs.

To take first impressions, however, our Northern people, by a vast preponderance of sentiment, applauded the generous and judicious policy which the President had <sup>May—November</sup> thus instituted, and heartily welcomed once more to the national fold their white brethren who had gone astray and now desired to return. Republican convention after convention in the autumn months of 1865 approved this speedy reconstruction;<sup>1</sup> and our vast voting communities at the North, whose interest was business and not politics, divesting their hearts of vengeance on the fallen, looked forward to a speedy reunion of hearts North and South for freedom, harmony and prosperity.

The fairest of loyal presses at the North now cordially united in praising Andrew Johnson, whom a "copperhead" sheet, expecting quite a different outcome, had begun denouncing as "a drunken boor," "an insolent, vulgar, low-bred brute." "He is already proving himself by his successive acts," retorted the New York Evening Post "one of the most discreet, clear-sighted, upright and capacious statesmen of the age."<sup>2</sup> And the Nation later observed that this President's policy had the miraculous property of seeming to please all parts of the country and all parties.<sup>3</sup> For our American instinct is to forgive and

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<sup>1</sup> Only in Massachusetts and Pennsylvania, under the influence of Sumner and Thaddeus Stevens, were shown signs of dissent. V. Rhodes, 535.

<sup>2</sup> June 20, 1865.

<sup>3</sup> September 28, 1865, cited V. Rhodes, 535.

forget when an end has been attained, to recuperate and press onward.

The Southern leaders of opinion, humiliated by defeat, stripped of means, and expecting worse to follow, were powerfully moved by Johnson's magnanimity towards them—and he, one of their own section, whom they had once disdained as a low-born upstart and then persecuted for his loyalty to the flag. Sincerely, I am sure, did they resolve that their Northern brethren who had shown such magnanimity in the hour of triumph should never henceforth find reason to doubt their allegiance to the old Union. General Lee and others who had planned or fought for the lost cause asked special pardons from the President and received them. Many of the most influential Southerners sought deferentially to aid the Executive efforts at Washington for a prompt and permanent reconciliation. All accepted *bona fide* the extinction of slavery and were in a mood to accede, if need be, to whatever further conditions might evince their loyal intention. Their former arrogance in politics was gone. But, though willing enough to take back seats if readmitted to Congress, they bore their defeat at arms like men and would not avow more penitence than they really felt. They did not go upon their knees for mercy like abjects, but had been willing to face punishment. Glad to be at peace now with their conquerors, they would not confess themselves "traitors," in the odious sense of the word, nor "criminals" because of what they had fought for.

Yet the crucial and fundamental difficulty of the present Southern situation was to determine and fix positively for the future the status of those Southern negroes, newly freed and needing hostages either from the nation or locally for justice in a new career. In some of these States, now in process of reconstruction, the blacks outnumbered the whites; in most others they were about equal in population; and in all they were densely uninformed and uneducated, disposed to wander like escaping cattle, yet not to leave their Southern home. Upon this point people

of the white and ruling race in that section had nothing substantial to offer. And it was ominous that three and one-half millions of people, lately enslaved, had in that whole region of the late Confederacy no initiative of their own to take, nor even competent brethren of their race in the North to make effective plea or demand for civil and political rights. Their only powerful friends were white humanitarians who dwelt in States far distant, or new adventurers just arrived from the North, too many of whom hoped to manipulate a herded and corruptible vote for their own selfish and base advancement in politics. Senator Sumner, from Boston, transmitted loftily to the President, June 30, the petition of three hundred "colored citizens of Georgia" (as he styled them) who prayed to be allowed the right of suffrage in the reconstruction of that State; and yet, to scrutinize that petition (still preserved and the only one of the kind among the Johnson papers), it would seem obvious that it emanated from a partisan Savannah press, and that many of the professed signatures were not genuine.<sup>1</sup> In short, the Southern situation at present, as the senior Blair described it in one of his letters to the President, was that of a black nation inside of a white one.<sup>2</sup>

This whole stupendous problem of dealing with the emancipated negro, white leaders resident in these Southern States had hoped to regulate after their own local methods, conformably to old theories of State rights, and as gradually as they might see fit, so far, at least, as concerned a right to vote. Various letters which President Johnson received in 1865, frank, yet submissive,—one of them in September from Memminger of South Carolina, who had been the Confederate Secretary of the Treasury, and was still under the ban of exceptions from amnesty—

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<sup>1</sup> Johnson Ms. 1865. The names to this "petition" were on detached sheets which bore the newspaper heading. No signature was made by mark, and while some names appeared written rudely, others were evidently in one trained hand, which either copied or wrote originally.

<sup>2</sup> Johnson Ms. 1865.

avowed that the whole Southern country already accepted emancipation from slavery as the condition of the colored race, yet pointed out that neither North nor South had yet defined what was included in emancipation. The boundaries, he conceived, were wide apart which marked political equality with the whites, on the one hand, and a simple recognition of personal liberty on the other. And he temperately argued that there could not well be negro suffrage yet, since the inferior race needed, first of all, to be trained; and this training, as well as the discipline of government, he respectfully submitted, belonged to each State.<sup>1</sup>

Southern legislators, to be sure, were ready enough to take up such matters of a new era as equal negro trials, equal negro testimony, the legitimacy of slave marriages and slave offspring, and even to some extent the subject of equal civil rights. But to enfranchising, at once or presently, the colored inhabitants among them lately held in bondage, and admitting the broad principle of equal suffrage, regardless of race or color, or even a partial negro suffrage or negro right to hold political office, white Southerners of the native stock were mostly opposed, whether loyal or disloyal on their record, nor could the ablest arguments on the Northern side convince them to the contrary.

President Johnson's personal views on the suffrage question were, for a born Southerner, extremely liberal and open-minded, and he made them known at this early date to some Massachusetts inquirers under circumstances which deserve our utmost credence.<sup>2</sup> "The States," said the President, "are in the Union, which is one and indivisible. We must not be in too great a hurry with our reforms; it is better to let our Southern brethren reconstruct them-

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<sup>1</sup> Johnson Ms. 1865.

<sup>2</sup> See Johnson Ms. October, 1865; conversation with George L. Stearns which was privately printed and certified by the President on a proof-sheet.

selves in their several States than force them." He wished to give the South time to understand its new position, with slavery abolished. As to our political adversaries, "the old Democratic party finds its old position untenable and has come to us; we ought not to consider ourselves worse off by that. Our United States Government is a grand and lofty structure which rests on the broad basis of popular rights. The elective franchise is not a natural right, but a political one. I am not disposed on that point to interfere with the people of a State; if the people there go wrong we have the army, and can control by legislation too. But the general government has no right of voting in the State. My position here is different from what it would be were I in Tennessee. There I would try to introduce negro suffrage gradually: (1) to those who had served in the army; (2) to those who could read and write; and perhaps (3) with a property qualification to others—say, \$200 or \$250. It will not do to let the negroes have universal suffrage now; it would breed a war of races."<sup>1</sup>

A further point being made at this interview, that it would, at all events, be unjust to the North to give two-fifths representation to the master race of those States, over the three-fifths which our Constitution had conceded before slavery was abolished, were negroes denied the suffrage, President Johnson declared himself disposed to have the apportionment basis for all Representatives in Congress changed from that of population to that of qualified voters, both North and South. If that were done, the States in due course of time might agree to extend the elective franchise to all, regardless of color, who possessed certain mental, moral, or such other qualifications as might be determined by an enlightened public judgment.<sup>2</sup>

These were wise and honest words, whether comprehensive of the whole immediate issue or not. And such views, so moderately expressed, stamp Andrew Johnson,

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<sup>1</sup> Johnson Ms. October 1865. It would seem that General Lee and Alexander H. Stephens inclined to similar liberal views on this issue. V. Rhodes, 565      <sup>2</sup> Stearns's printed proof, Johnson Ms. 1865.

despite all defects of temperament or character, as, among public men of his own section in that day, truly remarkable. The task must be a stupendous one where external conviction, even though morally or religiously grounded, seeks to mould social institutions elsewhere to suit itself, and especially the institutions of an intelligent people themselves accustomed to self-rule.

This Civil War of bloodshed and lavish outlay had accomplished for human freedom what our loyal people had not dared look for at the outset of secession. And the windows of the mind being thus thrown open for a wider survey of opportunity than ever before, something of an enthusiasm, sobered by common sense, possessed the free and triumphant North, or an influential part of it, to accomplish something more for the black race at the South than the mere striking off of its shackles. The freedman, viewed in the halo of an illusive imagination by those who had come little in actual contact with him, soared to a sublimity which he was not likely soon to reach. For, as an intelligent negro poet has himself expressed it: "Slow moves the pageant of a climbing race."<sup>1</sup> The freedman had won strongly our Northern sympathies by his good and patient behavior, his fidelity and affection, through every stage of that terrible conflict of a higher race. It was not strange, then, if philanthropic zeal, the recognition of God's guidance in directing results, and a sense, moreover, of moral and political responsibility for the future should have impelled us to solve still further the new problem of free racial relations by methods somewhat hasty and illusive.

And, though with most of us, the desire of vengeance upon our prostrate fellow-whites yielded to compassion and forgiveness, save perhaps as to "Jeff Davis" himself and a few cruel underlings of the late Confederacy, the dread of some new rebel uprising which might deprive this Union of the hardly-won fruits of victory was ready

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<sup>1</sup> Paul L. Dunbar.

for Northern malcontents in politics to fan into a new flame of vindictiveness towards the fallen foe.

For a broad suffrage, then, which should embrace the blacks, there was high moral argument. Moral regeneration had begun, and moral recognition was, of itself, regenerating. "The ballot will be to all who exercise it a means of education"; "they, at least, who handled a musket, can surely handle a ballot"; "the negro needs the ballot for his self-protection"; "the negro vote of the South will always be cast for loyalty to the Union and to the party which preserved it and brought racial freedom"—such was the tenor of catching phrases to which Northern sentiment, all these months, was gradually yielding, notwithstanding a wide acceptance of the President's reconstruction plan, so far as any compulsion of Southern leaders was concerned.

More than this, certain radical leaders meant that Congress should be thorough. Every trace of vassalage to a Southern oligarchy so lately rebellious must be wiped out. To such extremists, though the gallows might be spared, large plantation owners should have their lands confiscated and divided up among the late negro toilers who had sweated without recompense. Even the idea of reducing those lately disloyal States to territories and depriving them of their old traditions seemed not too far-fetched. Among such theorists was Charles Sumner, who, vindictive in feeling towards Southerners of his own race, made himself the zealous champion of negro advancement on every occasion. Condemning at once the neutral stand upon suffrage which the President had taken under his proclamation, he insisted, in a Boston oration delivered upon Abraham Lincoln in June, that negro suffrage was a necessity at the South and ought to be made an essential of reconstruction in the rebel States; and yet, upon that very point, Lincoln, the man he was eulogizing, had in the last week of his life, differed decidedly with him. Wendell Phillips, too, in the autumn canvass, made eloquent tirade to the same effect, bitterly denouncing the President for forestalling the rights of humanity. From Pennsylvania,

Thaddeus Stevens, who alone, it would seem, among the new President's correspondents, had bade him—and that with much disrespect—to wait for Congress and take no initial steps at all in reconstruction, now wrote peremptorily: "No one of the Northern leaders approves of your policy." And Medill, of the Chicago Tribune, sent a letter instructing the President that "the great doctrine of equal rights will prevail," and warning him not to go back on those who had elected him.<sup>1</sup>

Not passionate, and yet conspicuous among those in exalted station who had cherished the ideal of a political reconstruction at the South upon the broad basis of equality of races, regardless of complexion or former social condition, was Chase, the Chief Justice, once Secretary of the Treasury, and vain aspirant in 1864 for the Presidential nomination. So eager had he been to become in his own person the grand arbiter of the two sections under such a policy that he lost no time in impressing upon President Lincoln's successor his own ideas of "universal suffrage and quick reorganization." Early in May, while Johnson was still deliberating upon a policy, he drafted in his own hand and sent to the White House an autograph address, earnestly entreating the Executive to copy, sign and promulgate that manifesto to the Southern people. This document of proxy was vigorous in expression and had the glow of eloquence. Assuming that the Southern States sustained their just relation as such, notwithstanding an impotent secession, it called earnestly upon loyal citizens throughout the late insurrectionary region to restore happy and harmonious relations with the Union as speedily as possible; but to add in their enrolment the negro race, which had done so well and deserved so much at their hands. They who had disorganized by rebellion, had of course, disqualified themselves for the work of restoration; and all reorganization should be by enrolment. A State convention should be summoned in each jurisdiction for a new State constitution or con-

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<sup>1</sup> Johnson Ms. May–November, 1865.

stitutional amendment, expressive of new national conditions; there should be no more slavery, no subjugation. In an accompanying letter Chase besought the President to issue an address such as this and to lead on in the grand consummation. "Say to the people of the South 'Organize your State governments and I will aid you in the work.'" <sup>1</sup>

Such a scheme, assuming that the Chief Justice offered it with disinterested motives, did credit to the heart of one who would like to have been President, and who now filled a station even more dignified and permanent in influence, could only the incumbent dismiss Presidential aspirations once and for all. Its tone was fervid and impressive; in terms it was generous and comprehensive, except for a vagueness in suggesting who of white citizens might be thought "loyal." It had but one clear fault, namely, that for a working scheme of reconstruction, it was utterly impracticable and futile. Northern gatherings might have responded with heartiness to such an appeal by the President, but not so those in the South.<sup>2</sup>

In fine, now that war had ended, the inevitable dissension between radicals and conservatives of the great Union-Republican party whom the exigencies of a tremendous conflict by force of arms had brought into political cohesion to preserve the Union, had now begun, whose approach was forecast while Lincoln was yet alive. The stand resolved upon by President Johnson and his cabinet was for a conservative treatment of the whole Southern problem and moderate terms of reunion—a reunion to be effected as speedily as possible, so as to secure the returning good will, support and allegiance of the brethren vanquished and the natural leaders among them. As though to trust the administration fairly in this new

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<sup>1</sup> Johnson Ms. May, 1865.

<sup>2</sup> Chief Justice Chase was about to make a tour of the Southern States at this time, on judicial business, and in fact he did so, receiving banquets and ovations on the way. He invited a correspondence from President Johnson while on his journey, but this failed him. *Ib.*

emergency (so the Johnson manuscripts show), ex-Vice-President Hamlin, Governor Morton of Indiana, Generals Dix, Thomas and Sherman, Elihu B. Washburn and Lyman Trumbull of Illinois, Governor Curtin and Simon Cameron of Pennsylvania, Reverdy Johnson of Maryland and Gratz Brown of Missouri, were all prompt in assuring President Johnson of their sympathy and support. Zealously constant were Senators Dixon, Cowan and Doolittle. Francis Lieber the publicist, sent a pamphlet with friendly words of encouragement; while George Bancroft, now in scholarly retreat in New York City, gave his approving counsel in various letters.<sup>1</sup>

In April, 1869, or about a month after Johnson's administration ended and not before, our Supreme Court of the United States, in a test case brought upon appeal from Texas, stated the constitutional doctrine of Southern reconstruction from the judicial standpoint. <sup>1869, April</sup> It declared this government "an indestructible Union composed of indestructible States." It took the ground that Texas, notwithstanding her attempted secession, was now and had constantly been a State in the Union and that there was no way of her getting out except by a constitutional amendment granting a national assent. It also held that, upon Southern anarchy following the cessation of insurrection, President Johnson did a lawful act in setting up a valid State government, provisional in its character, and that the government which Congress substituted afterwards was also a valid government. Such a pronouncement disposed of current theories of State suicide or Congressional monopoly, on the one hand, and of reconstruction by the military Commander-in-Chief alone on the other. This decision repudiated the dogma of rightful secession by a State, under the constitution, if such repudiation remained needful at all; it

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<sup>~1</sup> See Johnson Ms., preserving such correspondence. *Outlook*, January 13, 1906.

recognized in Congress the ultimate guaranty to each State of a Republican form of government; it also favored the idea for which I shall contend, that the harmonious co-operation of President and Congress in pursuing a just reconstruction policy towards the South would have been the true course at the law, as well as the most expedient politically.<sup>1</sup>

As I have shown,<sup>2</sup> Johnson was not hostile or indifferent to the negro freedman; as some of his vetoes on Congressional measures might seem to indicate, but sympathetic, though without illusions on the race question. Furthermore, as a respecter of State authority, he understood, what nearly fifty years' experience has since convinced our people, that however much constitutional amendment may have enlarged the express authority of our general government to intervene, the real solution of the negro problem depends, most of all, upon the social, political and industrial adaptation of the two races in States where they live together, under any normal condition of things. When this President's issue arose so unfortunately with Congress, only one out of our three war amendments had been framed and adopted, and Congress had no express power to legislate on the racial question at all, except for keeping slavery abolished. Under the XIIIth Amendment, more than three millions of emancipated blacks found themselves at liberty to establish themselves in this Union wherever they might choose to seek a living. If South Carolina, Georgia or any other Southern State treated them with harshness or coldly, they might settle in Ohio, Illinois or elsewhere at the North. But is it likely that any Northern State would have welcomed their accession in large numbers to mingle with the white inhabitants in full civil equality, or to share the ballot and public offices with white voters? I think not; and what saved the North in those years in sectional consistency was, that the negroes preferred to remain where they were, in the sunny South, in the presence of their late masters and among the surround-

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<sup>1</sup> See *Texas v. White*, 7 Wallace, 700.

<sup>2</sup> *Supra*, p. 36.

ings endeared to them by an irresponsible yet not wholly unhappy bondage.

The arrogance of the Anglo-Saxon towards weaker races, as compared with the Frenchman, the Spaniard, or even the German, is inveterate; and even thus early, a repugnance was manifest in free California towards the yellow influx from China which had begun. The first need, the first difficulty with our liberated blacks was to induce them to work—to support themselves, to contribute voluntarily in some way by steady toil to help rebuild the industrial fabric of such State as they might inhabit and to lay up personal treasure besides. Following the British emancipation in Jamaica, economic disorder had become chronic there. The ruined staple-raisers among the whites abandoned the island; while the blacks themselves, lazy and needing but little exertion to make a living in that country of tropical products, took their ease, working only at intervals and among congenial neighbors of their own complexion. Happily, however, as time has proved, our own Southern negro, remaining where his industrial aid was most needed, best rewarded and rendered with an intelligence already trained, has felt in his freedom the constant spur and stimulus of a higher race, intent upon their own advancement and eager to repair and renovate. Cotton has become king again at the South, as it was before the war; while free labor at length vindicates its claim to cultivate with success in place of slavery, a system wholly outworn and obsolete.

## SECTION IV.

### THE POLICY OF CONGRESS.

The policy initiated by President Johnson was essentially that which Abraham Lincoln had announced to his cabinet and was prepared to enter upon when <sup>1865-1869.</sup> assassinated. That predecessor had been confronted with the plans and purposes of Northern radicals

and opposed them; he had meant to bring about immediate reconciliation and reunion between the sections, so far as possible (waiving negro suffrage demands), and to pursue a vigorous prosecution of peace.<sup>1</sup> But how tactfully and patiently, with consummate skill and regard for surrounding circumstances, would President Lincoln have pursued his ends, mingling, as he did, in his own nature both Northern and Southern sensibilities! He would have held well together his own party support, and avoided to the utmost any open schism. The popular confidence he had gained during his first term would have sustained him to an extent impossible with any other of our citizens. Nor would his guidance have shown inflexibility of methods. Circumstances changing, his procedure would have changed correspondingly. He was an ingenious experimenter in politics, as his course with emancipation had already shown; yet having no pride of opinion, he allowed any experiment to fail or be modified which was not found feasible as he had planned it.<sup>2</sup>

The present situation of the Union was anomalous and afforded no clear constitutional rule or precedent for guidance. While all initiative in reconstruction came necessarily from the Executive, Congress was sure to pass upon the work and frame final conclusions. If the President imposed conditions of readmission, others might and most likely would suggest themselves to the assembled delegates of the people, when they met in session at Washington; and a renewed representation of the South in House or Senate belonged peculiarly to each branch of Congress to determine.

In certain aspects Andrew Johnson's accession was highly unfortunate for a spirit of co-operation. But the chief misfortune was due to act of God; for Lincoln's sudden death at such a crisis created a situation in the land which no possible successor to the Presidency could

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<sup>1</sup> Johnson Ms., with letter of Ward H. Lamon, February, 1866; VI. Schouler, 610, 611.

<sup>2</sup> Outlook, February 3, 1906, by author.

have worked out to entire satisfaction. A weak Executive would probably have succumbed to the aggressive faction that knew what it wanted and pressed hard to obtain it, and that was, most of all, full and immediate enfranchisement of the colored freedman. Such a course would have turned Southern State government upside down where chaos threatened already. A war of races, some new spasm of disunion effort, utter despair among the intelligent and influential who wished restoration, recuperation and amnesty, would quite likely have resulted. Or, again, to have summoned Congress immediately or presently, and thrown the task upon a deliberate body of divided views, unprepared to legislate, would have made confusion worse confounded. Promptness and despatch on the Executive part, decision and energy were imperative in those early months, both for ending military operations successfully, so that a vast and costly volunteer army might be released, and for restoring some kind of social order through the area of the late Confederacy, Provisional civil governors, or else Union generals with local civil authority, had to be selected and placed in Southern State command, without waiting for Congressional guidance. It was, in fine, an Executive and not a Congressional situation, during those first months of this new administration.

What wiser or safer course, then, for such an emergency, than for the newly promoted Executive to inaugurate the very plan and policy towards the collapsing Confederacy that Abraham Lincoln himself had already devised, and upon which the whole Lincoln cabinet, still holding office, composed an administration harmonious and united? For patriotism, energy and courage, both in winding up the conflict, and in bringing broad statesmanship to the problem of pacification, no Vice-President likely to have been a candidate in 1864 could have been better qualified in the whole country; and Johnson's intimate knowledge, moreover, of the South and of present Southern conditions, made him of invaluable service for reunion, could only the North trust him far enough. Johnson was a Southerner; Southern in antecedents and ante-bellum

politics ; and yet, with his sturdy character and Union record, and the frank and liberal attitude he now occupied towards both races in his own section, as we have shown, we may pronounce him the man best fitted to cope with the new problem, so far as a Southern man's influence could go with fellow-Southerners. But Northern trust was wanting. Nor was it likely to have gone to any Southern man at the head of the nation, however honest and true.

This was Johnson's serious misfortune without his fault. To our Northern people he was almost an entire stranger. His humble birth and bringing up fostered a wide belief that he was ignorant, illiterate, vulgar and incapable. He was presumed violent and irrational, where really self-restrained and sound of judgment. His inner life and habits, despite the one recent circumstance while Vice-President that might well raise a prejudice against him, were pure and wholesome, and the White House, while he occupied it as father, husband and grandfather, was constantly the abode of domestic love and harmony. For counsel and encouragement, as well as for sympathy when lonely and tired, he must have resorted much to this inner home circle, and all the more, since, among the men who surrounded him in public intercourse, no one seems to have had a real guidance or influence, such as comes from close intimacy. For all that outer evidence can show, many of his most important public moves—not always judicious—were upon his sole responsibility both in plan and action, though always honest and with high endeavor.

It was, indeed, unfortunate for Johnson's success as President, that his free confidence, among men, went rather in open speech to a chance multitude, than confidentially to those associated with him in high station. It was unfortunate, too, that his antecedents were Democratic, of the old-fashioned type which discussed much and dwelt upon the written text of government. While a Unionist, opposed to secession, Johnson believed in the rights of States, even though rebellious, and held fast to

the sheet-anchor of our written charter, at a time when leaders dominant in this Union had come to care little for any rule but that of safety as the supreme law, to be construed by themselves. Being, withal, somewhat advanced in years, his best national acquaintance was rather with statesmen of the past, and he had not the elasticity or buoyancy of spirit which draws younger associates into confidence, and makes them heralds of one's will. Washington had leaned upon such rising aspirants as Hamilton and Madison, while Jackson's youthful supporters smoothed always his path in politics; but there was an elderly reserve and reticence in this new President which, in view of his supremacy, discouraged confidence with conservative sympathizers of a younger set on the floor of Congress, who could and would have helped and supported him better, had he shown them his inner purpose. Johnson as President, while dealing fairly with all advisers, chose no bosom friends, no intimates; and more and more, as the tide of parties on either side ebbed from him, he stood solitary, a monument of sincere official devotion, but gradually deserted and forsaken. To this and indeed to his want of tact, flexibility and adaptiveness in dealing with members of Congress, and for drawing closer those once sympathizing with his views, was chiefly due the ill-success of his nobly cherished and genuine wish to be in person the pacifier of North and South, to bind and heal the wounds inflicted by Civil War and effect a rational and lasting reunion for the centuries to come.

When this Congress came together, December 4th, 1865, there should have been a frank and accommodating temper shown on either side; for the Executive had done its full duty, and if more remained for accomplishment, 1865. De- to round out the work of readmission, now that 1866, Feb- the South had fully confessed its defeat, each de-ruary. partment of government should have found co-operation from the other. No sign appeared of grateful appreciation for the President's services in giving rebellion its quietus;

but distrust and a domineering spirit appeared at once, on the side of the majority in Congress. Jealous naturally of its own prerogative, that body would not suffer reconstruction to rest unchanged where the Executive had placed it, and this was well enough, for other pledges from the South might well have been demanded. But Congress now met President Johnson with something of haughty arrogance and distrust. He was but accidentally the Chief Magistrate; and why should he have assumed, in self-confidence, to make these terms with the vanquished rebels? A Southerner and a former Democrat, it was easy to suspect and to spread the suspicion that he was false to the Union party which had chosen him Vice-President, a renegade, a reactionist and a traitor, instead of the unflinching loyalist and man of honor that he had always been. By "reactionist," in these days, we too often designate those who are really actionists, but choose a path wiser and safer than our own.

This jealous temper had grown with the successful progress of the President's policy among Southern leaders themselves. Most persons of real influence in our cotton-belt States had espoused secession and the Confederacy, whether reluctantly, like Alexander H. Stephens, or with eager confidence; but nearly all were now zealous to be reconciled to the old Union under the generous terms held out to them. Lee set an example of applying specially to be included in the terms of the amnesty proclamation and pardon was extended to him. Leaders of political experience and capacity took up the work of restoration in their several States at the South, seeking to comply honorably with the President's terms, and hastening to unite in the re-establishment of national harmony. There was no hypocrisy or pretence in their compliance. Only in Mississippi appeared an unwillingness to be reconciled, and there and wherever else opposition appeared at all, President Johnson addressed himself with good effect to smooth the way to a perfect reconciliation and reunion of hearts.

All this, however, while the negro looked passively on

from the background, served to increase the dislike of that Northern aggressive element, which was pressing for domination in the present Congress. It was easy to imagine that such Southerners, coming back to participate again in Union affairs, would, under this Southern President,—who was ambitious, perchance, of another term,—make alliance at the North against the party of moral ideas and achievement, overthrow Republicanism at the polls and gain the citadel of national patronage. For selfishness and self-seeking are more readily imputed to leaders in our politics than sincerity or a noble purpose. Already had the alarm been sounded that the nation's Executive was usurping the control of government, holding Congress as a mere auxiliary.

A struggle now impended at Washington with the radical faction which strove to control, revengeful and visionary. But first of all, a resolution passed Congress, by a strict party vote following a party caucus, which created a joint commission of fifteen members for the two Houses together, to whom the whole subject of representation from States lately in rebellion (now eleven in number) should be referred without debate.<sup>1</sup> This was at once a menace and affront to President Johnson and his policy, and must have wounded his feelings the more deeply because it shut the door in the face of his own State of Tennessee, which he, while provisional governor, had reorganized with President Lincoln's full approval, and among whose waiting delegation, undoubtedly loyal, was his own son-in-law, Patterson, just chosen to the Senate. Congress, to be sure, had the clear right to decide upon its representation; but the constitution states that each branch shall pass upon the credentials of its own members. As a matter of fact the House was more radically made up than the Senate.

The President's opening message<sup>2</sup> contrasted in spirit with such hostile demonstration. As Mr. Rhodes says of

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<sup>1</sup> V. Rhodes, 541-545,

<sup>2</sup> See p. 5.

it, the critical attitude of the two Houses was met in a conciliatory spirit, as though to say, "Let us take counsel together; I know the South, and the negro, while you know the sentiment of the North."<sup>1</sup> But Congress was not in the mood for a co-equal conference. What it wished in the new President was deference and dependence. And, besides, the self-respecting attitude of Southern leaders was not to its mind; before the fatted calf should be killed, it wanted abasement from the prodigal, the confession of sin and a prayer to be forgiven. Nor was the freedman and his humane advancement to be forgotten.

The master spirits of this thirty-ninth Congress, coupling humanity and vengeance together, with definite ends in view, were Sumner in the Senate, whose ideals for the negro were lofty, though his sympathies were largely intellectual, and Thaddeus Stevens in the House, a man of whip and spur, not over scrupulous, whose advanced age and public experience confirmed the influence he had long exerted,<sup>2</sup> but who had little of the milk of human kindness in him that was not soured. The one, the Massachusetts lion, incited action by high appeal, the other, "the old commoner" of Pennsylvania, as he liked to be called, silenced party doubters younger than himself by his caustic sarcasm. Both were statesmen of imperious will. Both came to Washington, this winter, determined to undo the President's policy. If Johnson was combative by disposition, they were even more so.

Sumner, after a first and fruitless interview with Andrew Johnson himself, undertook to detach from him his cabinet advisers. To Welles, whom he upbraided for recreancy, as New England's representative in the administration, he repeatedly denounced the President's action in violent terms. "It is the greatest and most criminal error," he exclaimed on a first call, "ever committed by any government." That severe expression he modified,

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<sup>1</sup> V. Rhodes, 546, 547.

<sup>2</sup> He was already seventy-three years old, and had served ten years in the House before the present Congress.

somewhat later, by pronouncing it simply the greatest "mistake" instead of "crime."<sup>1</sup> It would fail, it must fail, and Congress would overturn it. In somewhat such a strain were this winter's radical speeches in the two Houses and the comments of the radical press. Thaddeus Stevens was coarse and abusive; Sumner likened Johnson's conciliatory message to one of President Pierce's whitewashing reports of Kansas outrages; and various were the allusions in one house or the other to Charles I. and Parliament, with the charge that the President had usurped powers which belonged to the legislature. Because of a few local appointments in the South, found indispensable by the Treasury for enforcing the revenue laws, and agreed to by the whole cabinet and the President, this administration was violently accused in later debate with appointing Southern rebels purposely to office, men who could not take the "ironclad" oath.<sup>2</sup>

All this fierce onslaught, Andrew Johnson bore for nearly the whole winter with admirable equanimity, nor could those who counselled or called upon him find occasion for blame. That he was warm-hearted and would have responded to conciliating efforts of the majority of these two Houses to reach harmonious results, his magnanimous treatment of leaders in his own section who had wronged him in former years fairly indicates. But he stood his own ground.

We know well from report how different Presidents have comported themselves in public intercourse with visitors. Washington received with a dignified state that would now be thought impossible, holding stiff levees and granting or refusing an official audience, even with Senators. John Adams—and Jackson, too—, while gracious and affable enough when all went well, showed temper and would even storm at visitors who offended. Jefferson, in negligent undress, received callers kindly, and discussed politics or philosophy while pulling at the heels of his

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<sup>1</sup> Welles's Diary, Dec. 8, 1865, Jan. 8, 1866.

<sup>2</sup> McCulloch, *Men and Measures*, 232.

slippers. Lincoln had moods of pathos or jocularity, and lightened the terrible anxieties of his station by humorous survey of the passing show at the White House. And Andrew Johnson, we are well assured, received all callers kindly and listened to advice with attention, repressing the deeper emotions which he must often have felt—for he was a man of deep emotion and must have resented assaults made upon his loyalty and rectitude. But at heart he was of tough texture when sorely tried. Many of the Republican members of Congress were at this time kindly disposed towards him and believed in the Lincoln policy of reconstruction which he had chosen; and these, as Welles says, he could and should have detached from the extremists.<sup>1</sup> But, unfortunately for Johnson, the delicate touch in politics was not in him, and for this he had to suffer. To stand quietly upon his executive prerogative and let things take their course in Congress was the next best thing for him to do, and this he attempted.

Naturally enough, the subject uppermost in the minds of this President's party critics, was to ascertain the needs of the emancipated and take measures to supply them. Two military reports on existing Southern conditions which the President had elicited were sent into Congress in December, in response to a request. One from General Grant, which was wholly favorable, pronounced the situation safe and Southern citizens honestly anxious to return to self-government within the Union as soon as possible; the other by Carl Schurz, apprehending no immediate danger of renewed insurrection on a large scale, noted that the late insurgents showed no sense of criminality in the contest they had waged nor a real national feeling; and it advocated more legislation for the negro both for his own protection and as a general safeguard. Congress, preferring Schurz's presentation, passed a Freedman's Bureau bill in January, 1866, and sent it to the President. The measure thus enacted, was liable to

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<sup>1</sup> Diary, August 31, 1867.

objection, as fostering in Southern States something of a costly military despotism. With a cabinet approval,<sup>1</sup> Johnson returned the bill, therefore, with a veto message, sensible and dignified, avowing on his own part that he shared with Congress a strong desire to give to the colored freedman adequate security and protection. The bill failed to pass over his objections by two-thirds and the measure was lost.<sup>2</sup> All the while a military force had been kept by the President in this conquered region as a general safeguard.

This veto hardened the temper of the mortified majority in both branches. On the day the bill failed finally, (February 20, 1866) the House showed its resentment by adopting a joint resolution (in which the Senate concurred somewhat later), that no Senator or Representative should be admitted from any of the eleven Southern States now excluded until Congress had declared such State entitled to representation.<sup>3</sup>

Both branches at the Capital adjourned over February 22d, Washington's birthday anniversary; and this holiday is memorable for two political incidents, <sup>1866.</sup> <sup>Feb. 22.</sup> relative to the growing difference between the Executive and Congress.<sup>4</sup> Of one, the speech to a serenading crowd which the President made from the White House balcony in the evening, and which astonished and alarmed the whole country by its rudeness and violence, I may remark that political habit in Tennessee had made him chiefly confiding of his feelings to some out-of-door gathering of the people than, as with most men, to friends and intimates. On this occasion he was stirred by the calls and questionings of casual hearers to say, while excited, more than he had meant to when he began, and, in fact, to open his heart where hitherto maintaining a prudent and

<sup>1</sup> *Ib.*, February 13, 1866. Harlan and Speed were regretful, but only Stanton opposed the veto.

<sup>2</sup> V. Rhodes, 551-571.

<sup>3</sup> *Ib.*, 572.

<sup>4</sup> See *post*, Section V. as to the two incidents at length.

dignified restraint.<sup>1</sup> Beginning with a welcome to his friends for their call, he launched into an indignant denial of the usurpation with which radicals in Congress had charged him, and hurled back against his worst defamers their odious epithets of "traitor" and "disunionist." When a voice from the crowd called upon him to specify, he named Charles Sumner, Thaddeus Stevens and Wendell Phillips. All this, the righteous wrath of an honest ruler, which might well enough have found vent in confidence, in the bosom of his family or before a council of inner advisers, could not but injure Johnson when poured openly into the ears of an irresponsible crowd. It was in execrable taste and temper. It widened at once the breach with the majority of Johnson's party in Congress. It disconcerted his friends and supporters everywhere, increased the opposition to him, and strengthened the impression that he was violent in temper, vulgar and unfit for his office.

By friends of the President, however, who made better allowance for his feelings and provocation—among them Governor Cox and the Postmaster General, both Ohio men—an effort was made with the delegation of that State, headed by John Sherman, to heal the difference, now too plainly visible. A Civil Rights bill on behalf of the Southern negro was already pending in Congress, having passed the Senate early in February, and on this, February—<sup>May</sup> it was hoped, the President would come once more into accord with the two Houses, by giving his approval when that measure reached him. In this, however, there was no deference by Congress to the Executive views, no conciliation, no compromise, no compact, but only the chance offered to Johnson of a reinstatement. And as though to make his acquiescence

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<sup>1</sup> See McCulloch, *Men and Measures*, 393. When Secretary McCulloch, learning that this call upon the President was intended, urged him in the course of the day not to address a crowd, recognizing the vantage ground his friends were gaining for him elsewhere, Johnson assured him that he intended nothing more than to thank his friends for calling. *Ib.*

more difficult and provoke him to another veto, Stevens in the House, March 10, at a last stage of debate, made a coarse and malignant assault upon the President by way of reply to his White House speech. The bill, as finally passed, went to Andrew Johnson, now once more composed in manner, bland and dignified. After full deliberation, having consulted with his cabinet, he took the responsibility of returning the bill to the Senate with a veto message, ably written, and forcible in stating his objections.<sup>1</sup> And now came the test of a final passage in the Senate, notwithstanding the veto, by a two-thirds' vote. Only upon an earnest canvass could those two-thirds be obtained, the Democrats in that body sustaining the Executive. But some moderate Republicans, who had hitherto favored the President, though wavering, now deserted him, while Stockton, a Democratic Senator from New Jersey, had just been unseated; hence by a single sufficient vote the Civil Rights bill went through the chamber in which it had originated; and the House by an ample two-thirds adding its own approval, the measure became a law, over the President's objection.<sup>2</sup>

Quite likely Johnson had expected his veto sustained as before, in which case he would have been in a position to dictate terms. But a two-thirds vote once enrolled against him in each House, the dominant party henceforth confirmed its sway in legislation, and Johnson's vetoes, however well based in principle, were from this date onward treated with contempt and met promptly a reversal. Near the close of this same first session, in fact, an amended Freedman's Bureau bill, which omitted some of the harsh original features, passed Congress, reached the President, was returned with objections, as before, and then passed over the veto, with scarce a comment.<sup>3</sup>

Unquestionably it would have been wiser and more

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<sup>1</sup> That this message of the President was dignified and temperate, and expressed as though with a consciousness that he was taking a dangerous step, see V. Rhodes, 583.

<sup>2</sup> V. Rhodes, 583-586 (April, 1866).

<sup>3</sup> *Ib.*, 598.

politic in President Johnson, as events moved, to have yielded on the Civil Rights bill, and made his peace with the majority of Congress and his party, by approving formally or else suffering it to become a law without his signature. In vetoing that measure he went counter to the advice of all except Welles, of his cabinet, so that changes in the administration presently followed.<sup>1</sup> He crossed the wishes of prominent Northern men, such as Governor Cox and Henry Ward Beecher, both of whom urged him strongly to sign the bill because it was right and because such action would harmonize the feelings of citizens who ought not to differ.<sup>2</sup> By vetoing, in fact, the President strengthened the Northern impression that he was indifferent to the welfare of the colored man; that he did not partake of the humane sentiment of the times towards the race now liberated and turned to the rising sun. This Civil Rights bill meant kindness and protection for these new wards of the nation, and though some provisions for its enforcement were objectionable, yet they were civil provisions and under the check of the judiciary.

Yet, on the other hand, it should be allowed, that a President, upholding in heart the principle of State rights in a constitutional sense, might justly have maintained his honest conviction against a legislative majority at the other end of the avenue, which had shown him nothing, thus far, but disdain. Whether to interpose a veto or

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<sup>1</sup> Welles's Diary, March 23, 26, 1866, shows Welles alone as earnestly urging a veto. Seward, who came nearest after him to acquiescing, disapproved certain features of the bill, but declared himself always in favor of a measure which should pronounce negroes citizens. All the others (Speed being ill and absent) desired the President's approval.

<sup>2</sup> Johnson Ms. March, 1863. "The Western sensitiveness is great," wrote Cox, March 22, "lest the advantages of the war be lost now by a mistaken statesmanship"; it would be better to "strain a point in order to meet the popular impulse rather than make a strict construction the other way." The tone and expression of this letter indicates that the President had stood uncommitted to members of Congress, so far as that writer was concerned. See p. 55.

improve the present opportunity for reuniting his party support must have seemed to him less a question of expediency than of conscience. For, in point of fact, neither the Civil Rights act nor that passed subsequently against Johnson's wishes for the Freedman's Bureau ever accomplished the practical good expected from it; and in later years our Supreme Court sustained the main legal objection which the offending message here offered. If Johnson still felt the bitterness of resentment towards Congress, there was nothing in his official utterance here to show it. Reinstatement with his party, under existing circumstances, could have meant nothing less than a surrender.

The real opportunity for harmonizing the Executive with Congress, as it seems to me, was yet to <sup>June,</sup> follow, when the two Houses passed presently the <sup>July.</sup> XIVth Amendment to the Constitution and sent it forth in June under their joint two-thirds proposal for the States in general to adopt. That amendment was in the nature of a new condition for Southern reconstruction—a formulation of the terms with which Congress chose at this time to supplement the President's scheme of a speedy reunion and representation, though in point of fact the radical element of that body—men like Stevens and Sumner—took careful heed that it should not be definitely announced as a new condition of readmission and still less as a pledge of finality. Shaped out by the more judicious and moderate of Republican members, such as Trumbull, Fessenden and Sherman of the Senate, this Amendment was in substance and expression wholly admirable. As to terms set forth, present constitutional objections were met by an express grant of power to enforce by appropriate legislation. (1) It re-stated the rule of citizenship and of civil rights in life, liberty and property, under the new status of freedom, equality and equal protection, regardless of former servitude.<sup>1</sup> (2) It left suffrage, as before,

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<sup>1</sup> Not Negroes alone, but those of Asiatic and other races, may claim equal consideration with the white man under the broad language of this provision, as the Supreme Court has since held.

to the control of the several States, only reducing proportionally the local basis of national representation wherever the right of vote except for crime was denied.<sup>1</sup> (3) It took under the express control of Congress all removal of political disabilities for voting and office as to specified participants in the late rebellion; and this, after all, was only a slight and temporary infringement upon the Executive right to pardon which relieves from criminal prosecution and penalties. (4) It firmly upheld the validity of the public debt of the Union for suppressing the rebellion, while repudiating that incurred on rebellion's behalf; and this simply enlarged, as was fitting, the President's own terms to which Southern States had already acceded.

True, Congress proposed this Amendment directly to the States, as the Constitution intended, without invoking a President's approval or disapproval at all; yet it needed for a safe and speedy adoption the President's own good will and influence with the excluded Southern States. Here, then, was Johnson's real opportunity for composing strife, by urging those of his own section to accept at once that new pledge of pacification as the genuine ultimatum of Congress; and I am surprised that neither his friends nor those of Congress seem to have pointed out in good season and urged such a course.<sup>2</sup> The President himself, never really revolting at the terms of this Amendment, transmitted it in due official form through the State department, with an address of neutral expression. Had he, instead, pressed specially its adoption upon Southern fellow-citizens still under the ban of Congress, in his own simple and earnest language, the legislatures of their States could hardly have failed to respond favorably with-

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<sup>1</sup> Such a rule President Johnson had commended. *Supra*, p. 37.

<sup>2</sup> By February, 1867, advice reached Johnson to waive all objection to the XIVth Amendment and recommend its passage to the South. So, too, plans were now broached for some new compromise Amendment in its place. All this must have been too late. Johnson Ms.

out delay; and thus, whatever their action, he would have broadened his own excellent policy and convinced the moderates of Congress,—or better still, our Union voters at large, who were soon to choose a new House of Representatives,—that he was patriotic and sincere, a statesman truly zealous of establishing the reunion of North and South on a just and permanent basis. He need not have applauded the terms of this XIVth Amendment, though they were worthy of applause. He might have put the whole responsibility for proposing that Amendment upon Congress, for it was none of his. But he could have announced this as the ultimate practical condition which that body had seen fit to superadd to his own, and asked the prompt acceptance as an assurance of returning loyalty and good faith. Only the third proposition of that Amendment was a difficult one to make palatable to Southern legislators, and that difficulty was by no means conclusive. Southern leaders of secession were prepared for sacrifice in any case, and such political penalties could not have seemed severe, while criminal liability was forgiven.

However, the opportunity passed, like a summer's cloud, and, once lost heedlessly, it was lost forever. From henceforth, and as it proved, for the rest of Johnson's entire term, Congress had a safe two-thirds in both branches, instead of a majority, unified against him and the breach with this Executive became irreparable.<sup>1</sup>

Conceding the strength of Johnson's constitutional objections to the vetoed bills on general grounds, there seems less force in his special argument, repeatedly stated, that this Congress had excluded representatives of the South, who, if admitted, might have prevented a passage. Were such an objection sound it should have vitiated other legislation than the few bills which he ever found occasion to veto. It was no new thing for these two Houses at Washington to carry on the business of govern-

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<sup>1</sup> V. Rhodes, c. 30.

ment without the so-called seceding States represented. Such, indeed, had been the course ever since 1861. And the fact that these revolutionary commonwealths had withdrawn their own representation voluntarily, left them no immediate right to be represented again, on their sole volition, now that revolution had failed. The deliberate consent of the Congress they had deserted was needful besides. For whether such States were logically in or out of the Union, the question of their full restoration to former political rights was a practical one, and it must have been irritating enough for an Executive to suggest that the Legislature *de facto* was incompetent to legislate.

But had President Johnson confined his complaint of Southern State exclusion to the single instance of his own Tennessee, he might have convinced, and would certainly have found occasion for popular sympathy. That loyal and long-suffering State had deserved readmission at once, whatever the delay in Congress with the other ten. And this, fair-minded Republicans of the two Houses were forced to concede before this first session closed. The conviction gained among them that it was unsafe to go the country for the fall elections with such a grievance outstanding. Accordingly, during the last week of the session, the door which had been kept fast closed against the recreant Southern States as a whole was opened far enough to admit Tennessee, and then shut with a slam upon the other ten. A joint resolution, which passed the two Houses and was approved July 24 by the President, based this admission upon the action of a convention held in February, 1865, whereby State organization took place with Amendment XIII which abolished slavery fully ratified. And now, as though by pre-arrangement, the Tennessee legislature which was in session, ratified also the XIVth Amendment on the 19th of July. This sealed the State's immediate re-admission, as soon as the news reached Congress; nothing more was asked, not negro suffrage, total or partial. Congress stated explicitly in the preamble of this joint resolution, as though for a precedent, that no State government which had rebelled could

be restored to former political relations in the Union, except by consent of the law-making power of the United States.<sup>1</sup>

On the last day of the session, accordingly, Tennessee's delegation, which had long stood waiting outside, became fully seated, just in time to see the two Houses adjourn with their work completed. This concession, ungraciously made,<sup>2</sup> was the first and only one that any Congress of the United States ever made or appeared to make, to President Johnson, by way of yielding to his stubborn wishes.<sup>3</sup> And, so far as I can discover, it came nearest to a Congressional promise—and that but an inferential one—that if other excluded States ratified quickly the XIVth Amendment they, too, would be readmitted.

This long-drawn session ended on Saturday, the 28th of July; and the issue before the people, confined as it never should have been, to the President's naked scheme and conditions of Southern reconstruction, on the one hand, as against those, on the other, which Congress might add or substitute—or rather, as one should say, to prompt and immediate reunion, as State reconstruction already stood, against a further delay which Congress had failed to define—went now to the country for decision at the polls.

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## SECTION V.

### APPEAL TO THE PEOPLE.

I have said that the anniversary of February 22, 1866, was doubly memorable politically.<sup>4</sup> Andrew Johnson's influence as Chief Executive and sectional Reconciler may be said to have culminated on that date. He had <sup>1866,</sup> now been President for more than ten months, and <sup>Feb. 22.</sup> on the whole had administered the government well, carrying himself with dignity and decorum. Delegations and visitors from all quarters of the Union had been

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<sup>1</sup> U. S. Stats. at Large, July 24, 1866.

<sup>2</sup> Senator Patterson, President Johnson's son-in-law, was halted specially for an investigation of his Union record, which was found unimpeachable. <sup>3</sup> Newspapers; V. Rhodes, 597, 598. <sup>4</sup> *Supra*, p. 54.

impressed by his frank and generous utterances, made in the full sincerity of a high official purpose. His cabinet advisers—those of his lamented predecessor—were united in the support of his administration. Where Congress had once tried conclusions against him it had failed, and his attitude towards the majority of the two Houses was far more serene and accommodating, so far as appearances went, than that of their chief aggressive spokesmen towards him. No breach among the President's supporters was thus far visible. Congress, up to that date, had done nothing for reconstruction—had framed no constitutional amendment—, but had simply kept out the offending States and legislated for the freedmen.

What made this 22d of February so significant a holiday in our politics was: (1) The holding of Northern holiday mass meetings, to sustain the President in his policy; (2) Johnson's unfortunate speech made at Washington on his own behalf in the evening.

(1) For the public celebration of this 22d various gatherings were planned in Northern cities to sustain the President's policy as against all obstructiveness by Congress. With eleven Southern States excluded from representation, a majority, though not two-thirds of each branch, was against the Executive. The monster demonstration of this kind—and a notable one indeed—was at the Cooper Institute, New York City, in the evening. Francis B. Cutting, a prominent citizen socially and at the bar, who had once served a term in Congress, presided; and among those who figured in an imposing list of officers were Hamilton Fish, William C. Bryant, David Dudley Field, Senator Edwin D. Morgan, and Representative Henry J. Raymond. There was an immense crowd and great enthusiasm. Among the chief orators were Cutting, Raymond and Postmaster-General Dennison of Ohio.<sup>1</sup>

But the star speaker of this meeting was Seward, the premier, beloved of his State at that time, whose sentiments had been held in reserve. His sickness, his narrow

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<sup>1</sup> *Outlook*, February 3, 1906 (author); newspapers of the day.

escape from assassination and a more recent domestic bereavement, enhanced the sympathy of his fellow-citizens upon this significant reappearance. Always an attractive orator because of what he said, though without the gift of eloquence, Seward spoke amid a storm of cheers and applause. His speech was a deliberate and thoughtful one, as habitual to him in composition, and deserves a close study. Between the lines we may read that he feared an approaching breach in the great Union party that had won in 1864; that his effort was to prevent such a breach, to soothe, to reassure, and keep down the antagonism developing between White House and Capitol Hill, among statesmen of fierce and obstinate temper. He said nothing of vetoes, nor of negro rights, nor of rebel guarantees; but he argued most strongly against all vindictive procrastination of peace; he protested against the present disposition of Congress to keep States indefinitely out and unrepresented; he opposed all proconsular or imperial government in the late region of armed insurrection. To the vindictive of his party associates he quoted with point the two fathers of a familiar comedy, whose children, after much tribulation of disobedience, had come into the marriage originally planned for them. "Why not forgive?" says the one; "it has all turned out at last as you wished it." "Damn it," says the other, "because I have not had my own way of having it."

"There never was and never can be," continued Seward, "any successful process for restoration and harmony among the States except the one which the President has undertaken." At the same time, he contended that the whole difference at the present time was one of pilots. "The country is completely safe," he proclaimed, "and will not be saved over again in this day and generation. It will be safe if you approve what the President says; it will be safe if you approve what the majority in Congress says; safe if you believe what they both say; safe, too, if you disbelieve and reject what they all say."<sup>1</sup>

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<sup>1</sup> *Outlook*, February 3, 1906 (author); newspapers of the day.

(2) Most unfortunately, however, for himself, his policy and his upholders, Andrew Johnson in person, on this same holiday evening, began undoing all the good he had thus far accomplished, by the highly imprudent and abusive speech, made from the White House, which I have already described.<sup>1</sup> Great was the astonishment and misgiving, when good citizens of the North who had applauded at mass meetings held the day before, read, in the next morning's paper, this strange open-air oration at Washington, quickly sent broadcast through the land by telegraph and reported without any attempt to omit or gloss over its worst expressions.<sup>2</sup> With such intemperate zeal revealed on the part of a President but little known to them, Johnson's popular support in States loyal during the Civil War began to fail him. However great the provocation which had aroused this bursting forth of his smothered wrath, no President could make such a speech (as McCulloch has observed) "without suffering in the estimation of thoughtful men."<sup>3</sup>

The antagonism between President Johnson and Congress, which I have traced through the session when they first confronted each other, was one in which both sides were now clearly at fault, though the radicals of the two Houses, whose grasp upon legislation grew henceforth continually stronger, were the aggressors, having given the first offence to an Executive whose strength of character and independence they refused to respect, and whose natural combativeness of temper they were heedless of provoking. For the most part, after his outbreak of February 22, Johnson resumed his calm and patient demeanor. But mutual hostility grew as the situation developed.

Cabinet changes occurred before Congress adjourned; Dennison, Harlan and Speed resigning in early July, un-

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<sup>1</sup> *Supra*, p. 54.

<sup>2</sup> Newspapers. V. Rhodes, 575-577, quotes the speech at length.

<sup>3</sup> *Men and Measures*, 393.

willing to seem arrayed against Congress. With Randall, Browning and Stanbery their vacancies were well supplied. All was courtesy and consideration on withdrawing so far as these three were concerned; but from Stanton came no tender of resignation, though the President had expected it by this time. While loud and emphatic in approving the President's course to his face, eager to keep his office, that subtle Secretary appeared non-committal or averse, in his advice on details of policy, and as one who was known to confer frequently with radicals of Congress most bitter against the administration, Welles and McCulloch both suspected him of duplicity.<sup>1</sup>

The national situation was, indeed, as Seward had stated it in his speech of February 22: the country was completely saved, and would not be saved over again in the present generation. Of this, at least, we may now feel assured. And hence, as McCulloch has well observed, the present difference between Executive and Legislature should have been taken without bitter temper, as an honest difference of opinion on both sides. That difference consisted in what and how much should be required of Southern States before they resumed their places in the Union which they had done their best to destroy. Congress should have contented itself with legislating by a two-thirds vote, as it had the power and the right to do, and Johnson himself should have been content with exercising his veto.<sup>2</sup> Best of all would it have been, as I have already contended, could both Congress and the President have come together on the distinct understanding that the XIVth Amendment was to be held forth as really the added condition of Congress, complete in itself, for the full and sufficient basis of prompt Southern readmission. Such an understanding was not impossible, and, even without an understanding, the President might have presented it to North and South as his own amended platform and policy. For conditions to be accepted by

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<sup>1</sup> See Diary, April 14, May 1, July 18, 1866; V. Rhodes, 611.

<sup>2</sup> Men and Measures, 404, 405.

the excluded Southern States were vital to reconstruction, while such measures as the Civil Rights and Freedman's Bureau bills were purely secondary.

Now came the canvass throughout our normal States for that mid-term election which determines the political complexion of a next succeeding Congress. Of course, in a <sup>August.</sup> national sense, the Presidential office was not in direct controversy; but who, in each State's Congressional districts, should be chosen to the coming House, and of what components State Legislatures soon to fill vacancies in the Senate would be made up.

On the President's behalf a grand convention had been arranged for Philadelphia, at which safe leaders, North and South, should fraternize as brethren reconciled. Planned in June under White House auspices, with Dixon and Doolittle of the Senate and Raymond of the House co-operating, Johnson's cabinet, as rearranged, favored it. But Stanton's hostility was disclosed at a cabinet meeting held early in August. Bunting, to be used in decorating the "wigwam" at Philadelphia, had been applied for at the War Department. Stanton had none, he said, adding with a sneer, that he would turn over the applicants to the Secretary of the Navy. Welles spoke up with spirit: "My own bunting has always been promptly shown, and it would be well if my colleague would now give us a sight of his." Stanton colored, taken aback at this palpable hit, and then said frankly that he was opposed to the convention.<sup>1</sup>

This "National Union" convention, as it styled itself, met in Philadelphia, August 14th, opening the cannonade of the political campaign in good earnest. As Mr. Rhodes has said of it, it was "a noble and patriotic assemblage" with dignified proceedings, and marked above all other gatherings of those weeks for spontaneity and heartiness.<sup>2</sup> Crowds and enthusiasm attended each session and the proceedings were full of loyal assurance for the future.

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<sup>1</sup> Diary, August 7, 1866.

<sup>2</sup> V. Rhodes, 615.

Delegates from Massachusetts and South Carolina walked into the convention hall, arm in arm, amid the cheers of the assembled spectators. Southern spokesmen earnestly pledged their section to negro emancipation, henceforth and forever. Every State in the Union was represented at this gathering by citizens of rank, influence and respectability, many of whom had been nationally distinguished under the old régime, or were to be in years to come; Winthrop and Tilden among them. Senator Doolittle of Wisconsin was the permanent presiding officer, and Senator Dixon figured in the proceedings.

Senator Cowan of Pennsylvania presented on the third day the resolutions, which were adopted by acclamation, the whole audience rising and cheering. They proclaimed that slavery was forever abolished in the Union and that the emancipated race should receive equal protection, throughout the land, in every right of person and property; they denied secession as a dogma, declaring the Union of these States perpetual; they repudiated all war debt incurred on behalf of the late Confederacy, and affirmed the validity of that for sustaining the Union, in substantially the language of the proposed XIVth Amendment. To that Amendment itself no direct allusion was made; but, while distinctly recognizing the right of Congress to propose amendments to the Constitution, these resolutions asserted, for all the States alike, an equal and indefeasible right to a voice and vote as to ratifying. Representation in Congress was claimed, moreover, for every State, subject to the right of each House to determine for itself.<sup>1</sup>

It was a bright episode of sunshine while it lasted, but the clouds of gloomy distrust and discord were soon to gather again. Such sectional reconstruction was premature and upon insufficient assurance to the country. The angels of our better nature, hovering for a brief space over the city of brotherly affection, fled back like the earliest dove from Noah's ark, finding no sure resting

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<sup>1</sup> Newspapers; V. Rhodes, 614, 615.

place above the waters. Already were the people of the North sorely vexed over a racial riot which had broken out in New Orleans, but a short time before, whose shocking details, highly colored, the Republican presses were now disseminating. Negro losses were so great, proportionally, as to have amounted to a massacre. The police and civic authorities of that turbulent city, which Federal soldiers still guarded, were charged with helping directly the rowdy inciters of the white race, and false rumors were rife, besides, that the President was aiding rebels there to force Union men to leave the State. Bloody collision of a similar kind was also reported from Memphis.<sup>1</sup> Such incidents were not unnatural in the present disordered social condition of Southern States, striving to right themselves; they were of local character and the natural local leaders in that section were the most competent to deal with them. Rioters, whether white or black, were mostly of the rabble.

Our President, who had shown a becoming concern in dealing with such Southern outbreaks, realized too little perhaps, the depth of Northern compassion for the negro at this time, or the growth of Northern conviction, upon such evidence, that the colored freedmen could not be trusted wholly to the merciful protection of the master race. Taking but little pains to assuage such misgivings, he hurt himself at once by a most untimely thrust in his speech, when the Philadelphia resolutions were presented to him, at a "self-assumed Congress," which represented "only part of the States." At once wild rumor began to spread a foolish report that he was meditating a *coup d'état*; and the "Dixie-Doolittle" convention, as Republican regulars styled it in derision, soon lost its glamour.<sup>2</sup>

But far more unfortunate for the President's policy in this canvass and for the reunion of white citizens,—leaving the negro somewhat to his chances, though kindly, as the

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<sup>1</sup> Newspapers of the day; V. Rhodes, 611-613; Diary, August 7, 1866.

<sup>2</sup> V. Rhodes, 616, 617.

Philadelphia convention had attempted,—was the stump-speaking campaign through Northern States which Andrew Johnson next persuaded himself to undertake. This “swinging round the circle,” as he termed it, brought before Northern voting crowds, with different characteristics, a sort of heart-to-heart colloquy and appeal which Johnson had used with great effect among his own familiar people at the South. But the style failed to win these constituencies strange to him, where political enemies had already begun scattering the seeds of distrust and disbelief, and his whole journey went down in history as a disastrous and discrediting failure.

Against, however, the caricaturing reports of that journey in hostile radical presses, the powerful but opprobrious cartoons of Thomas Nast, the artist,<sup>1</sup> and the widely-read letters of “Petroleum V. Nasby,” one of the newspaper wits of that day who lampooned Southern politics and Southern sincerity with gibes and bad spelling, one may set the narrative of Secretary Welles, in his Diary, written in sober earnest and with fair appreciation. Welles, as one of the Presidential party through that whole tour, quietly witnessed all public demonstrations on the route from the inner circle of observation. Upon his return he penned a close description in his Diary, with comments such as occurred to him.<sup>2</sup>

The trip, as we thus gather, lasted from August 28th to Saturday, the 15th of September. The occasion of it was a ceremonious dedication, in Chicago, of a monument to Stephen A. Douglas, at which the President was invited to officiate, bringing his suite with him. The party was a large one of both sexes, and included Seward, Welles and Randall of the cabinet, with General Grant and Admiral Farragut (both of whom, in a sense, attended under orders from the Commander-in-Chief), besides lesser

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<sup>1</sup> One of Nast's cartoons pictured the President with the Ex-Confederates, as skulking fellow-pirates, using decoy colors on their vessel to capture and scuttle the approaching ship of “Union.”

<sup>2</sup> Diary, Sept. 17, 1866, at length. Cf. V. Rhodes, 618, etc.

officials mostly civilian. Travelling with ladies, by day only, as a rule, and resting quietly over Sundays, this Presidential party journeyed to Chicago, by way of Philadelphia, New York, Albany, Buffalo and Cleveland, reaching their destination on Thursday, September 6th. Proceeding thence, by special invitation, to St. Louis, they returned by a more southerly route to Washington, stopping over at Indianapolis, Louisville, Cincinnati and Pittsburgh.

The reception accorded the nation's dignitaries on their long journey varied considerably with the public sentiment of the region traversed. The start was enthusiastic enough through Pennsylvania and New York. Authorities in the Empire State were hospitable and attentive, and distinguished local citizens shared in the successive ovations. Governor Fenton, with the State Senators, gave a courteous reception at Albany, though politically unsympathetic, while in Buffalo ex-President Fillmore led the welcome. But, once over the Ohio line, disaffection and courtesy to the point of rowdy annoyance became manifest at points both in Ohio and Indiana. Premeditated insult to the President first showed itself at Cleveland, on the westward route, and was highly offensive at Indianapolis on the return. But for the ceremonies at Chicago all was decorous and respectful, while at St. Louis the reception was "magnificent" as Welles styles it, full of heartiness and political accord. Louisville, too, gave the party a cordial reception, though Pittsburgh manifested repugnance.

"The governors of Ohio, Indiana, Illinois, Michigan, Missouri and Pennsylvania" says Welles's Diary "were all absent. In Ohio and Pennsylvania the Secretary of State appeared and each apologized for the absence of the Executive, but extended formal courtesies." As though by a prearrangement along the whole line, radical members of Congress, through thirty or more districts traversed, absented themselves, and both State and municipal authorities seem to have concerted a show of disaffection. Yet in many places, where public courtesies fell short, the

people took the hospitalities of reception into their own hands. Under such circumstances, however, just as Vallandigham at the Union convention in Philadelphia had been coughed down with difficulty, former "copperheads" now thrust forward, in some places, with the rest, for a non-partisan demonstration which the travellers could not escape, to the growing disgust of General Grant and some others of the party, Republicans of the straitest sect holding back.<sup>1</sup>

It was under such diverse and often annoying and embarrassing conditions that President Johnson made constant extempore speeches, in banquets or from balconies, to sets of listeners greatly contrasting, and while stirred sometimes to grateful emotion and sometimes deeply irritated. At Cleveland there was plainly a concerted plan to stop his speaking by making rude interruptions. And there, although the President held his own for his remarks, he was drawn by open insults into unseemly altercation, lowering his official dignity, as though heedless of the true line which separates a constituted ruler from a mob. That speech and some figurative remarks made at St. Louis, were widely reported to his injury, so that hoodlum yells and howls greeted him at Indianapolis on the return journey, when he appeared on the hotel balcony, and he had to withdraw in silence. That crowning insult was so deplored by citizens and the local press, that, before departing for Louisville, the next forenoon, Johnson was induced to present himself once more for a speech, and a different crowd of Indianapolis, this time respectful enough, listened to all he said with attention.<sup>2</sup>

All these were but passing phases of a swiftly changing panorama. And when this tour had ended, Welles and

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<sup>1</sup> Diary, Sept. 17, 1866.

<sup>2</sup> *Ib.*; newspapers. In V. Rhodes, 617-621, the Cleveland speech is quoted at length, with other allusions. Information reached the President, charging that men were hired at Cleveland by his enemies to interrupt his remarks. Johnson Ms.

others of the Presidential party were doubtful whether, on the whole, it had been a campaign success or not. "I am apprehensive," says the Diary, "that he (the President) may have injured his cause by his many speeches; but it is undeniably true that his remarks were effective among his hearers, and that within that circle he won supporters."<sup>1</sup> Others, including Andrew Johnson himself, felt more sanguine and were confident of a gain; but they who carefully read the reports of influential presses, by this time roundly abusive of the President and ridiculing whatever he had said or done on the journey—for the canvass now nearly reached the sword's point of angry discussion—grew thoroughly distrustful of this Southern Executive and were ready to believe the worst of the traitorous designs freely imputed to him.

Perhaps the most offensive to the thoughtful of our voters—as it was certainly the worst in point of taste—was what Johnson said at a banquet in St. Louis, this time excited by over-zealous friends, who spurred him on to violent denunciation, as on the birth-night occasion at Washington. To a figure of speech, common enough in one-sided comparison, he gave a turn, in his off-hand vehemence, not meaning, I am sure, to be irreverent, and yet shocking, naturally, most who heard it, and eagerly trumpeted outside as blasphemous.<sup>2</sup>

Andrew Johnson was in point of fact a constant and reverent reader of his Bible; and scriptural quotations he often turned to good effect. In his New York City speech, where he had been in happier mood, saying of fellow-Southerners that he did not want to have them come back into the Union, debased and degraded, but wished them to return with all their manhood, he burst forth in Simeon's utterance: "Now that I have seen the glory of thy salva-

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<sup>1</sup> Diary, Sept. 17, 1866.

<sup>2</sup> Recalling political foes who were denouncing him as false to his principles and party pledges, a traitor, "a Judas;" "If I am a Judas," he asked, "who is the Jesus Christ? Is he Thaddeus Stevens? Is he Charles Sumner?" See newspapers. Cf. V. Rhodes, 619.

tion, let thy servant depart in peace." And, warmly denying all apostasy on his part, through ambition to be re-elected President,—an imputation readily made in our politics, against any President of importance, and made freely in the present instance—he continued, with fervor: "I would rather live in history in the affections of my countrymen, as the one who had consummated this great result [of sectional reconciliation] than be President of the United States forty times."<sup>1</sup> And this homely utterance was as genuine, we may feel assured, as mortal Executive ever made.

To recur now to a painful topic which I have touched upon before, the question has arisen whether the President's harangues on this tour, or any of them, were made under the influence of liquor. Mr. Rhodes cites McPherson's History to the effect that the journey was, in some aspects, "an indecent orgy"; and he, on his own part, positively asserts that Johnson was intoxicated when he addressed the crowd at Cleveland.<sup>2</sup> I challenge the proof of these cruel statements. Not only do I find the evidence for such charges wholly wanting, but not even a responsible charge made by anyone who was an eyewitness, nor indeed, a clear contemporary charge of the kind at all. McCulloch's vindication is strong, emphatic and conclusive as to the President's abstinence while in Washington, however coarse or violent might have been the staple of his off-hand speeches made there.<sup>3</sup> And Welles, conspicuous in this travelling party, while again and again showing dislike of the speeches of his chief before crowds, everywhere imports, in his Diary, as though for granted, that all the President said or did was while in normal condition and with full self-control. This excursion was of no stag party of public men, travelling with merely the social restraints of their own sex; but

<sup>1</sup> New York Times, August 30, 1866.

<sup>2</sup> V. Rhodes, 618, citing McPherson's Rebellion, 134.

<sup>3</sup> *Supra*, p. 24.

ladies throughout accompanied these guests of the nation, among them the wife of Secretary Welles, and one of President Johnson's own daughters.<sup>1</sup>

This Executive was much too heedless of slanderous assaults made upon him, taking no pains to send out public contradictions nor to bring slanderers to justice. To him the mind conscious of its own rectitude was enough. I confess, as to myself, that for forty years and until I began investigating this administration for myself, I believed that some of those off-hand speeches, so offensive to good taste and propriety, came from a tongue loosened by strong drink; while for such belief the only grounds were, first, Johnson's admitted lapse when he took the Vice-President's chair,<sup>2</sup> and, second, the strange staple of the speeches themselves, so different in style and expression from his official papers, all of which were of marked force and dignity. I now think otherwise. As to the first ground, it appears almost certain that this Executive made some private vow or pledge, when he became President, that his earlier offence should not be repeated; and one who thus resolves and wholly or even mostly conquers is a moral hero. As for the second ground, a close study of these Presidential harangues and colloquies with a crowd shows that they are not incoherent or maundering, as in the earlier instance, but vehement, clear in expression, and to the point, as of one who well understood what he meant, but became worked up in feelings. As McCulloch has observed of these strange off-hand productions, they were such as had characterized Johnson's appeals to the voters from the time he first began fighting his own way up in public life from the tailor's bench, and were such as he could not help making when his war spirit was aroused.<sup>3</sup> To throw off the garb of privilege and distinction and accost the people as plain "Andy Johnson," a commoner

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<sup>1</sup> "As a member of that party I can say that there was no drunkenness at all on the trip." B. C. Truman (Johnson's Secretary), in *Century Magazine*, January, 1913, p. 438.

<sup>2</sup> *Supra*, p. 8.

<sup>3</sup> *Men and Measures*, 393.

himself by origin and born one of the plain poor-white commoners of the South, who were yet keen observers of their candidates, and cast their own votes, standing up to be counted if needful, had become to him a second nature.

Another reason for believing that this President put no alcoholic infusion into his present oratory is the fact that he preserved among his manuscripts some newspaper reports of the colloquial harangues of this year against Congress, with verbal corrections by the pen, as though not ashamed of his own retorts to his tormentors.<sup>1</sup> Welles shows us that he returned from this western tour strong in the conviction that his speeches had actually helped his cause.<sup>2</sup>

Since Johnson's day the American people have changed much in views as to what Presidential dignity requires. The fact that a Chief Executive should stump about zealously, to promote his own policy, appeared to most of us an indecorum in that simpler era. But now we accept such a course, and, more than this, the personal canvass of a President or of a Presidential aspirant, for election or a re-election, first, in order to get delegates for the candidate convention of his party, and next, if nominated a candidate, for the electoral majority at the polls; with such prolonged vivacity and eagerness bestowed for months on his own behalf that one may well dread an apoplectic stroke following leap year, before the inauguration of the people's choice. We have seen, too, of late, a President in office, vituperative to the last degree in denunciation and abuse of those opposing him, and yet all the stronger for it with the people, because they believe him honestly indignant and sincere. But Johnson, in his time, lost instead of gained by such vehemence because a Southerner, so that Northern voters grew incredulous of his patriotism and sincerity and suspected him of being false both to the Union and humanity.

Grant and Farragut were unquestionably the lions of

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<sup>1</sup> See Johnson Ms. in Library of Congress.

<sup>2</sup> Diary, Sept. 17, 1866.

this tour, and the former most of all; they made no speeches, and their association with the President was without political significance. Secretary Welles was, for the most part, a silent member of the party, bowing his acknowledgments. But the Secretary of State, as chief spokesman and introducer of the Executive, had open indignities of his own to endure. Now disliked and distrusted by thorough-paced Republicans of his State for his present course, Seward was purposely affronted at the public reception given to the Presidential party at Albany, Governor Fenton passing him over when making the introductions to the audience. With suave self-possession, however, he quickly stepped forward, saying "I am among old friends and scenes and require no introduction from any one"; and he at once proceeded to salute and shake hands cordially with those who stood near him.<sup>1</sup> On the return journey, this Secretary had a cholera attack during the night passage by steamboat from Louisville to Cincinnati, and was compelled to leave the party and travel homeward in his own way. He was overtaken at Pittsburgh, lying so sick, in a car at the depot, that it was feared he would not live through the night. When President Johnson hurried in to see him, as he lay on a couch, Seward grasped his hand, and said in a faltering voice: "I believe your course is right and I have felt it my duty to sustain it. If I live, I will continue to do so. Pursue it for the sake of the country; it is correct."<sup>2</sup> A second time within eighteen months in the sequel, did this aged statesman rally and recover, preserved when at death's door by his wonderful vitality.

At Philadelphia, in September of this year, was held a convention of Southern loyalists, summoned to counter-vail the grand reunion gathering of the month before. Here "Parson" Browlow and others unforgiving figured who, like Johnson himself, had borne persecution from their fellow-citizens,—Southerners for the

<sup>1</sup> Diary, Sept. 17, 1866.

<sup>2</sup> *Ib.*

Union's sake as against secession. Northern patrons left these delegates to their own concerted expression, though speeches were made to stimulate their action by General Butler, who had lately emerged from the retirement at Lowell to which Grant sent him, to run for the next House as a full pledged Republican in a Massachusetts district; also by Anna Dickinson, eloquent of her sex, and others. Willingly enough, these loyalists helped engender a distrust of converted rebels of their own section; but all the arts of outside oratory and persuasion were futile to commit them to negro suffrage, and in that respect the convention proved a disappointment. Northern soldier conventions were likewise held, the same month, for political effect: one for full fraternity at Cleveland, which was a failure, and the other at Pittsburgh, clamorously opposed to the President's policy, over which Governor Cox presided.

The result of all this national excitement for a Northern State and local effect was not doubtful. As between Executive and Congress, with the lines so sharply drawn—public sentiment at the North, fanned into suspicion and alarm over what all this embrace of ex-secessionists might mean, and utterly disowning the President personally—the trend of the canvass was unmistakably in favor of Congress, with a harsher demeanor, if need be, towards ex-Confederates themselves, and an increasing favor towards experimenting with the ballot on the Southern negro's behalf.

With angry and combative passions aroused as they never should have been, little inquiry was made as to what terms if any, Congress meant as its ultimatum for Southern readmission. The proposed XIVth Amendment was remitted to the background, as though by common consent, and the disposition of the Congressional majority, if successful at the polls, to impose other terms for keeping the South's natural leaders out of influence, and delaying Southern readmission, became more and more apparent as the Northern elections developed results. Some eloquent extremists contended that for those who had once

drawn sword against the Union all penalty short of hanging was clemency. Thaddeus Stevens, in a speech made in his district in September, announced plainly that he intended, the next winter, to propose a bill for overthrowing all the existing State governments at the South which had been established under this President's auspices, and setting up new ones, such as Congress might approve, with as he hoped, negro suffrage and negro rights fundamental.<sup>1</sup>

Some influential States voted in October; a few still earlier; and by November, the overwhelming tide of Northern opinion was made manifest,—to hold firmly to the moral results of the Civil War, regardless of consequences, and postpone sectional fraternity to further discipline. Not only was the action thus far of this present Congress sustained at the polls as against the President, but an ample two-thirds in both Houses of the next Congress was also assured for opposing him and his policy. The radicals of the Republican party won and conservatives were exhorted to coalesce with them. The prospect was dark and discouraging for all the preachers of fraternal harmony and reconciliation of the sections.<sup>2</sup>

Our Northern Democracy had failed to give support to the administration cause, chiefly because convinced that Johnson and his cabinet had meant not to apostatize, but rather to combine, if they could, all the conservative

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<sup>1</sup> New York Times, Sept. 21, 1866.

<sup>2</sup> V. Rhodes, 625.

"False issues have prevailed," observes Welles, by way of comment. "Passion, prejudice, hate of the South, the whole South. Equal political rights among the States are scouted: toleration to the people of the South denied." The President is denounced as a traitor; the Constitution and all real political questions are ignored. Diary, Nov. 17, 1866. The Secretary here shows his own peculiar animus, by regretting that the Philadelphia convention had not taken positive ground against the XIVth Amendment by way of a conditional readmission. This he had wished, but Seward, Randall and the other managers, preferred such an issue avoided. *Ib.*

strength of Union-Republicans for a reconciliation which would obliterate past party lines. Hence Northern Democrats and "Copperheads" strove to revive their old national alliance of 1864, believing, many of them, that the Republicans had committed suicide. New York leaders of that party had labored in vain to have Seward turned out of the cabinet and the government patronage bestowed on their own behalf. In November, 1865, Preston King, collector of the port of New York, died suddenly; but after an interval of many months the successor chosen for that chief custom house and stronghold of party dispensation was one whose personal integrity as a financier was regarded, and not his political standing.

Prominent in such efforts with the President were the Blairs, strenuous but intriguing politicians and potent in the border States. The senior Blair, Jackson's former editor and personal friend, who, like Johnson, was an old-fashioned Democrat by antecedents, now lived not far away, while the home of his son Montgomery, Lincoln's former Postmaster-General, was nearly opposite the White House. Though prominent in organizing the Republican party originally, they had lately turned against it. Both father and son attended Johnson's quiet inauguration, and each strove thenceforth to gain influence with him. During his first two years of office, as Johnson's manuscripts show, they made urgent and mischievous effort to embroil him with his Republican supporters,<sup>1</sup> Montgomery Blair in particular, who was incessant with written advice, and who probably held many oral interviews besides. From one quarter or another came petitions to the President, in those months, to appoint Frank P. Blair, Jr., to the cabinet. And Montgomery Blair—now a leading practitioner in the Supreme Court—seconded insidious efforts from without to get Andrew Johnson to ally

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<sup>1</sup> Johnson Ms. But counter advice reached the President to "keep the Blairs out of his confidence," and such advice seems to have been not unheeded. *Ib.*

himself with the Democrats, reorganize national politics, and displacing Seward (with McCulloch), as well as Stanton, make up a new cabinet set for his administration.<sup>1</sup>

A letter of April 11, 1866, appears explicit enough on this point. Some one had said that the late Postmaster General bore a grudge against Seward; not so, he replied and he had no reason for any, for Seward had done him various personal favors. "My strenuous opposition to him arises solely from the conviction that he, more than any one else, is responsible for the Civil War, and that he is doing all he can to involve us in another by striving to keep the so-called Union party consolidated. . . . Though he is making an effort to keep up a conservative section within the Republican party, it is the avowed purpose of his associates not to break with the party. . . . Democrats are anxious to support you, and hence it is of the first importance to unite the Republicans who agree with you and the masses of the Democrats, in order to restore the Union."<sup>2</sup>

Doubtless from a sense of honor and of loyalty to the party which had promoted him, Johnson discouraged all such overtures; and now that the Republicans renounced and deserted him as a body, he was a President without party support for the remainder of his official term.

## SECTION VI.

### CONGRESS DOMINANT.

For Northern Democrats it was a lost opportunity in 1866 that, instead of boldly and openly supporting the President's policy for a speedy reconciliation—broadened as one might well have wished, by an acceptance of the XIVth Amendment as a lost prerequisite to Southern reinstatement,—and combining with Republican conservatives to select candidates for the new Con-

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<sup>1</sup> Johnson Ms.

<sup>2</sup> *Ib.*

gress of wisdom and moderation, they had now nominated men obnoxious in the war and not likely to win. Had they done otherwise, or had this angry strife between Congress and the Executive been assuaged in some way, the results at the polls might have been quite different, with something like divided honors from a generous and patriotic constituency. As Welles observed, the people of the North were not ready to place the government in the hands of the "Copperheads," or even of Northern Democrats who were cold and reserved during the war. "This hostility," he writes, "to those who sympathized with the rebels is natural. It is an honest feeling."<sup>1</sup>

As for Congress, that body was jealous of its own rights in such a controversy as any legislature must be; nor could it have treated a Vice-President casually promoted, in these times, with the consideration due to one who, like the lamented Lincoln, had been chosen full President, and that upon a re-election which heartily approved his illustrious service to the Union cause already rendered.

President Johnson had greatly injured himself and his cause in this canvass by the bitter animosity he had shown against his fiercest opponents in or out of Congress. He should have allowed supporters of smoother tongue to expound his policy for him. But defeat at the polls sobered and steadied him, and he followed the advice which now reached him from friendly sources, not to try to stem the tide, but to yield, using silently for the country's advantage such opportunities as he might find later.<sup>2</sup> Hence his opening message to Congress, which reassembled, December 3, 1866, was unexpectedly calm, dignified and dispassionate. He still claimed courageously that his reconstruction plan was in principle the right one, but pugnacity he laid aside. Upon the XIVth Amendment he offered no suggestion.

While studying in the Library of Congress those Johnson manuscripts, which are mostly confined in date to his Presidential term, one is sadly impressed by the fickleness

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<sup>1</sup> Diary, Sept. 27, 1866.

<sup>2</sup> Johnson Ms.

of political courtiers, in a popular Republic like ours. During Johnson's first year of supreme station, and while the forbearing policy towards the South for which he worked had still a chance, letters reached him from every part of the land, to advise, correct or encourage him; but after these elections in the fall of 1866 made it clear that he had lost irretrievably his control of the situation, correspondents dropped off, and the variety of counsellors whose motives were disinterested ceased. Other framers of a policy for the vanquished, outside the White House circle, were henceforth waited on; other planets rose in the horizon, surrounded by their satellites. And whether one pitied or not this Tennessean's misfortunes, now that he was brought to bay, most prudent aspirants in politics, regardful of their own future, took heed that specimens of their handwriting should not get into the White House portfolio, to be later produced, perchance, to their prejudice. The wave of Executive popularity suddenly subsided, and with it the freight of miscellaneous correspondence, hitherto so huge. But two sorts of letters from the common people reached this President occasionally through the mails—one, brutal and bullying, from an anonymous blackguard, who signed himself (falsely perhaps) "A Union Soldier"; the other from some superannuated village voter, who dreamed of Old Hickory, and exhorted this later Andrew to defy Congress and make confusion worse. Yet, now and then, came an encouraging message of the better sort; and Johnson's heroic silence, under the new storm of malignant abuse which now burst upon him like a wild deluge, touched the sympathy of some citizens of high standing, in and out of politics, whose appreciation of his better traits notwithstanding his defects of character, his intensity of emotion, his want of tact and good taste, was not wanting.<sup>1</sup>

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<sup>1</sup> Johnson Ms. Among such letters was one from an eminent clergyman of Boston (Rev. Dr. Chandler Robbins) which, applauding the President's patriotic intentions, but regretting the offensive language he had used on his Western tour, advised confidentially

I have already praised highly the XIVth Amendment, as a fair and reasonable condition of Southern reconstruction, were we to consider it as positively the Congressional supplement to those Executive terms of reunion, which leaders of the States lately in rebellion had accepted with gratitude and joy. But, as also stated, this new Amendment had not been put forward for Southern acceptance as a genuine condition precedent of readmission and forgiveness, nor indeed as a distinct condition at all.<sup>1</sup> Congress in its joint resolve had made use of the customary expression in tendering that new Amendment for adoption to all the States, and as though States excluded from representation were "States" with the rest; so that upon an acceptance by three-fourths of the legislatures in the whole Union our Constitution would become correspondingly changed. No pledge of readmission, no assurance that acceptance by any Southern State would entitle its delegates for Congress to their seats once more, went with it. In short, the two Houses at Washington appear to have been ominously silent, and purposely silent, upon conditions precedent or a new ultimatum for the ten Southern States still excluded. Radical leaders in Congress meant, all the while, to press, upon future opportunity, for terms still harder, while the moderate Republicans were disposed to equivocate or be silent, rather than insist upon an explicit tender of this new Amendment as a finality for reconciliation.

Such being the case, it was not strange if those ten Southern States hung back over promptly accepting that Amendment. I find nothing to show that the terms expressed therein were thought by Southern leaders, or by President Johnson himself and his cabinet, other than just and acceptable on their face. But the doubt came as

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the publication of a letter to some friend, at this juncture, which should apologize for the tone of his impassioned utterances, while avowing his real sincerity of motive. Such advice might have been well worth following; but Johnson had scarcely an appropriate friend and correspondent for such a purpose.

<sup>1</sup> *Supra*, p. 77.

to what, after all, would be the practical effect of a Southern acceptance under duress, and whether, upon principle, Congress could rightfully force any constitutional amendment upon unwilling States. The strict Executive doctrine as maintained by advisers like Welles, had been that the present situation at the South was purely a military one, for a President who was Commander-in-Chief to deal with; and that the Executive alone, with his power to pardon, and not Congress, was competent to prescribe the terms and conditions in the late seat of insurrection for a practical return to State co-equality, save only for the legislative right to admit or exclude representatives. Such a doctrine proved, as I have shown, too narrow to fit the case; yet strict constructionists held to it honestly, since the Supreme Judiciary had not expressed itself on the subject.<sup>1</sup>

The ground taken in the resolution of the Union convention of August at Philadelphia<sup>2</sup> covered the full area of conservative or administrative opposition to the Amendment. No objection was made there to its terms or its language, and indeed the convention pledged itself specifically to nearly all that Amendment had proposed; but its platform claimed that all State Legislatures ought to be alike left free, North or South, in determining whether or not to accept. Under such a conviction, and with their self-respect already wounded by various Northern intimations that other terms would, whether or no, be pressed to humiliate them further, it is not strange if most Southern leaders were at this time for deferring ratification of that Amendment, or even for rejecting; since even a first rejection would not preclude acceptance later. What example would the North set in this respect? Only five Northern legislatures—those of Connecticut, New Hampshire, New Jersey, Oregon and Vermont—set the example of accepting this Amendment before the year 1866 ended. Meanwhile, a few leaders in these

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<sup>1</sup> See Welles's Diary, May 1, 1866, Jan. 5, 1867; *supra*, p. 41.

<sup>2</sup> *Supra*, p. 67.

excluded States—notably Governor Brown of Georgia—had given the pertinent advice to “agree with thine adversary quickly whilst thou art in the way with him.” Tennessee had ratified just before her readmission, as I have stated. But the general sentiment at the South was for standing out; and the more so because political proscription under that Amendment was hard to bear. Hence the legislatures of several excluded States rejected before January, 1867, one after another, and most of them by a vote almost unanimous. During that January, Virginia, as well as Kentucky, rejected, while seven Northern States, together with Missouri and West Virginia, accepted. February opened with the success of the XIVth Amendment very doubtful.<sup>1</sup>

These excluded States as well as the border States which sustained them, acted seemingly of their own volition and impulse, and without either asking or receiving inspiration from the President or administration at Washington. Americans with the stamp of statesmen have never been wanting in spirit when a manly submission on terms once arranged is spurned by an adversary. With the campaign pronouncements of such as Thaddeus Stevens still ringing in their ears, Southerners might well have asked what good a hasty acquiescence in the XIVth Amendment was likely to do them.<sup>2</sup>

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<sup>1</sup> See Proclamation July 28, 1868, with its schedule of States accepting or rejecting the Amendment. This names only Texas, Georgia, North Carolina, and South Carolina as actually rejecting during 1866. It would appear, from VI. Rhodes, 7, that the list was a larger one.

<sup>2</sup> Mr. Rhodes blames President Johnson as actively influencing rejection in these Southern States. VI. Rhodes, 7, 8. The only two instances he cites (Alabama and Virginia), do not, I think, bear him out. An Ex-Governor of Alabama telegraphed to the President, January 17, 1867, as to whether he thought the legislature (which had refused to ratify) should “reconsider” and adopt. Johnson’s telegraphic response, to the effect that he did not think it worth while, simply referred to a reconsideration as matters then stood with Congress. Concerning Virginia the evidence is admitted to be

The effect, however, of the fall elections in the Northern States was to harden the temper of the existing Congress, when that body reassembled in December, and bring it to accomplish that more rigorous discipline of excluded States and their leaders which Republican victory at the polls portended. In the House, particularly, Stevens, the "grand old man," with his genius and audacity but want of principle, ruled with a rod of iron, the weaker of his party now yielding to him. It was ominous at the outset that while fair-minded Republicans in both branches—men like Sherman and Garfield of Ohio—argued that should an excluded State adopt promptly the XIVth Amendment it ought at once to be readmitted, others, usually moderate, like Fessenden, Edmunds and Blaine, disinclined to treat that Amendment as a finality of conditions, while Sumner and Stevens derided such an idea.

1866, Dec.- 1867, March. To tie up this odious President's hands and even to impeach him as an obstructive and eject him from office,

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the merest hearsay, and two surviving Virginians of credence, ex-Confederates, lately assured me (1912) that Virginia rejected upon her own responsibility.

The Johnson Ms. indicates non-consultation, and, as to the administration in Washington, a fair neutrality. So, too, with Welles's Diary, *passim*. "The Radicals say the people have decided the constitutional questions and indorsed the changes, when in fact they were never brought out." Diary, Nov. 17, 1866. And he adds truly that vengeance on the whole South indiscriminately was and is still the purpose of such leaders. *Ib.* That purpose became plainly manifested as soon as Congress re-assembled in December, 1866. Yet the President and most of his advisers still stood on the neutral Philadelphia platform, though Welles for himself strongly counselled non-ratification. By the last of January, as Welles shows, the President, believing the XIVth Amendment now a failure, considered earnestly the prospect of some mutual compromise Amendment, such as certain Southerners had suggested; but nothing came of this. Diary, Jan. 31, Feb. 5, 1867; Johnson Ms. A bill reported at the former session of Congress had offered distinctly to the South a re-admission on the sole condition of adopting the XIVth Amendment; but on that bill no action was ever taken, and by Jan. 3, 1867, the radical Stevens measure was called up in its place. VI. Rhodes, 13.

was also seriously discussed when the Republican members came together. Impeachment had been already broached during the exciting canvass of 1866. General Butler, as a converted party Republican, pressed eagerly for such a high-handed course, while making campaign speeches in New York and Ohio.<sup>1</sup> Wendell Phillips, too, had used his incendiary eloquence to the same effect; proposing besides, that this President should be "sequestered from office" while the impeachment trial went on<sup>2</sup>,—an idea which the House, upon reflection, discountenanced. As the law then stood, Johnson's successor, were he impeached and removed, would be the President *pro tem.* of the Senate; and to that significant post Benjamin F. Wade, of Ohio, a stalwart Senator of plain manners, was promoted. All signs betokened violent and vindictive measures before this short session ended.

The two Houses opened fire in December by making uncivil and annoying calls upon the various Executive departments for information upon one subject or another.<sup>3</sup> Extremists were "very violent, coarse and abusive" of the President in caucus and open debate; and Sumner in the Senate (whom the more moderate Fessenden styled "a scholastic pedant") introduced resolutions which proposed reducing at once the excluded Southern States to territories.

A wave of sentiment now swept over the North, for bestowing the boon of universal suffrage, regardless of race and color, without further delay. Abstractly considered, this was a noble idea; but disfranchisement largely of white ex-rebels at the same time scarcely con-

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<sup>1</sup> See Johnson Ms. The President took cognizance of such assaults upon him and procured minutes of Butler's vulnerable war record from the files of the War Department.

<sup>2</sup> Newspapers of the day.

<sup>3</sup> Diary, December 7, 1866. Welles, with captious vigilance, noted that while it was resolved that the Secretary of the Navy "be directed" to furnish, etc., Secretary Stanton was more courteously "requested" to do so.

firmed the aspect of a serene and wide-reaching benevolence, for practical ends. Many Congressmen, moreover, of good Republican standing, showed themselves quite ready to apply such an experiment where voting results could not concern them personally, while less zealous of attempting a political conversion at home, where State constituencies still refused all ballot to the negro. In Sumner's own State of Massachusetts, a reading and writing requirement for the suffrage, though imposed without racial discrimination, had applied and still applies to this day; and yet Sumner himself was strongly for giving negroes of the disordered South an unqualified suffrage at once where that race, embracing a far greater proportion of the inhabitants than in any New England State, was grossly illiterate.

As an experimental beginning, the two Houses passed, in December, 1866, an act establishing universal suffrage in the District of Columbia, which made stated exceptions, nevertheless, of persons who had given "aid and comfort to the rebels." Negroes were already drifting into Washington city in large numbers from the old slave States, as to a Mecca of sympathetic brotherhood, and this statute promised them a large share of political influence in our capital city. President Johnson, with approval of all his present cabinet advisers excepting Stanton,<sup>1</sup> sent back the bill with a sensible veto message; but both Houses promptly passed it over his objections and it became a law.<sup>2</sup> That experiment, worked out before their own eyes, proved its unwisdom in a few years, to the

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<sup>1</sup> Diary, January 4, 1867. General Grant, who was present at the cabinet conference, strongly commended such a veto. Seward sustained it simply because of the peculiar mixed condition of races in this city, but said that he would approve a universal ballot in his own State.

<sup>2</sup> Act January 8, 1867. The suffrage thus granted was "without distinction on account of color or race," upon one year's residence in the District, with "rebel" exceptions, as stated above. Voting lists were to be prepared and posted in Washington and Georgetown for each election.

nation's representatives; and a later Congress, ruled by the same Republican party, swept out universal suffrage, and indeed all local suffrage whatsoever, from this national reservation of the people.

With better show for a practical demonstration, universal suffrage for all the territories of the Union passed Congress likewise in January, and this bill the President suffered to become a law without his signature.<sup>1</sup> Another act of January (which Johnson approved) provided that the next Congress, and all succeeding ones, should first assemble on the 4th of March instead of in December.<sup>2</sup>

Johnson's opposition to the District of Columbia bill so angered the radicals of the House, that on motion of James M. Ashley of Ohio, an inquiry was instituted with a view to impeach the President forthwith. A committee of the House probed into Johnson's dealings, private and public, with other persons, summoned cabinet officers, investigated the President's correspondence, his bank accounts, his personal and social relations, his private transactions; but nothing at all could be found dishonorable or traitorous to report, save for his late defamatory harangues against Congress which had been free and open; and for that offence, a censure would have seemed sufficient. A vile slander which had circulated, to the effect that Johnson was accessory to President Lincoln's assassination, received its quietus.

After differences and doubts the two branches of Congress settled finally, this winter, upon a definite scheme for taking the whole reconstruction problem into its own hands, and undoing whatever the President had accomplished towards a speedy reunion, while at the same time subjecting him personally to its closer control. One measure proposed overturning altogether the provisional governments which now existed in the ten excluded States; while the other sought to subject all Executive power to remove officers of the government—those of the cabinet

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<sup>1</sup> Act January 24, 1867.

<sup>2</sup> Act January 22, 1867.

and confidence not excepted—to the curb of Congress, or rather of the Senate chamber. The former measure was known as the "Military Reconstruction Act" and the latter as the "Tenure of Office Act."

These two momentous measures of the short session reached the President late in February. (1) The Military Reconstruction act, alleging that no legal State governments nor adequate protection for life and property now existed in the ten "rebel States" described, grouped them in five military districts, to which army commanders should be assigned for enforcing peace and order, "until loyal and republican State governments can be legally established." Conditions were prescribed upon which such States should be deemed entitled once more to representation in Congress, when, by a convention of delegates, regardless of race or color (disfranchised rebels excepted), a State constitution acceptable to Congress, was framed and adopted; and when, furthermore, the pending XIVth Amendment was duly ratified.<sup>1</sup> (2) The Tenure of Office act limited the power of the President in all removals from civil offices, and the appointment of successors. Such incumbents could not be removed by him absolutely, but he might suspend at discretion, making a temporary appointment, subject to the approval or disapproval of the convening Senate. Fine and imprisonment were threatened for any Executive disobedience of this act.<sup>2</sup>

The main purpose of the Military Reconstruction act was to pull down the ten State governments already existing at the South, for the purpose of rebuilding each on the basis of full and immediate negro participation in the suffrage; of the Tenure of Office act, to restrain, if possible, a President who was thought to be going astray, from such an exercise of the removal power as every President had freely exercised from Washington's day as his own official right—a right which Congress, though sometimes questioning in debate, had never before denied. Each act was open to grave constitutional doubts, such as

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<sup>1</sup> Act March 2, 1867, ch. 153.

<sup>2</sup> Act March 2, 1867, ch. 154.

the third department of our government, the Judiciary, might fairly pass upon, should opportunity arise for making a test case.

Johnson well understood the humiliation these two measures meant for himself and his policy, and he did not hesitate, after receiving them together, to return each, with his objections, to the House in which it had originated. As to both bills his cabinet, except for Stanton, emphatically sustained him; and Stanton himself, to his own manifest relief, concurred with his colleagues and the President in returning the Tenure of Office act. Johnson thereupon scored a point, or thought he had done so, by requesting his vehement Secretary of War to draw up the veto message; and in collaboration with Seward, Stanton did so.<sup>1</sup>

Read in the light of to-day, each veto message sent to Congress by the President, March 2nd, in returning these two bills, appears sound and strong in argument; but Congress, in utter contempt of his objections, passed both bills over the veto on the same day that they were returned, gaining the needful two-thirds in each branch. Two days later, on the 4th day of March, the short session and this thirty-ninth Congress came to an end; and for the first time in our annals, a new Congress met and organized at the capitol in its stead.

The Military Reconstruction act, as passed, was in somewhat milder form than the bill originally introduced early by Thaddeus Stevens in the House in pursuance of his campaign utterances. In vain did moderates of his party plead that the excluded States should have more time given them to put their record right on the XIVth Amendment. In vain, too, would Bingham and Blaine have modified the measure, in the interests of a thorough philanthropy, by coupling universal suffrage for the blacks with universal political amnesty for the whites, our erring brethren. Such an amendment Stevens treated with sarcasm and contempt. "I have no respect," he exclaimed, "for the XIVth Amendment," nor, as he added,

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<sup>1</sup> Diary, February 26, 1867.

for "universal amnesty and universal Andy Johnsonism." And denouncing the Ex-Confederates as unrepentant criminals, he demanded the previous question and drove his measure through a reluctant House by 109 to 55. But, to his chagrin and that of Sumner in the Senate, a caucus bill less harsh, though founded on the same general principle, went through the Senate under Sherman's lead; and the House non-concurring, a committee of conference considered and reported, so that the bill, with final amendments agreed upon, passed both Houses on the 20th of February, 1867.<sup>1</sup>

Nebraska was admitted as a new State at this final session, and another star added to the azure of our flag. Both Colorado and Nebraska had been designated for admission at the present time; but the President objecting to each on the ground that there was insufficient population, the former bill was lost, while the latter became a law.<sup>2</sup> Nebraska's population, under the census of 1870, was close to 123,000; and to this day, with but one large city, Omaha, it has been mainly a State of sturdy and intelligent white farmers, devoted to raising their annual crops.

Since the admission of Kansas in early 1861, after that long and portentous struggle for supremacy between free and slave labor which provoked our Civil War, there had been but little occasion for erecting new States upon our territorial soil. The maintenance of an equilibrium in the Union between slave and free representation ceased to be an incentive. West Virginia had been admitted in 1863 as a military necessity, in her rupture with the Old Dominion. By October, 1864, and just in season to take part in the Presidential election of that year, Nevada was added to the list; prematurely, as it turned out, for any real

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<sup>1</sup> Cong. Globe, Jan.-Feb., 1867; VI. Rhodes, 15-21. Montgomery Blair advised the President to sign the bill as passed, since it improved so much upon the Stevens measure. Reverdy Johnson voted for it. Horace Greeley was one of those citizens who, though in vain, had urged "universal amnesty and universal suffrage." Johnson Ms.

<sup>2</sup> Act Feb. 9, 1867, c. 36.

co-equality in numbers or Congressional dignity; for even by 1870 its inhabitants, little more by the count than one-third of those in Nebraska, were rude, migratory, scattered in mining camps, with pickaxe and washbowl, to scar the soil for buried gold and silver. Its promised wealth was not in sustenance but mineral ore, and its labor varied from frenzied luck to frenzied disappointment. Republican politics in the Presidential game, the motive that had already operated on Nevada's behalf, was next to carry Colorado's admission in 1876; and all three States, Nevada, Colorado and Nebraska, proved faithful throughout to the Republican party and its candidates while this reconstruction era lasted.

Highly impressive, during our Civil War, was the fact that North and South, Union and Confederacy, fought out their fight in the region essentially that lay between the Atlantic and the Mississippi, with the line of the Ohio River for a northern boundmark to the seat of war in the Mississippi valley, and with States southwestward <sup>1861-</sup> <sub>1865.</sub> of the Mississippi but slightly penetrated. Kansas on the north and Texas on the south, and an Indian reservation of territory between, made our remotest western frontier for all practical operations by the two armies. Yet, on the distant coast of the Pacific Ocean and westward of the Rocky Mountains, lay a cluster of important States and territories widely separated from that part of the Union which struggled and panted for existence, by a vast wilderness, thinly populated, and traversed with slow and painful difficulty. Here California and Oregon on the Pacific, States of great resource in soil and climate, gave tone to the surrounding sentiment, and, while contributing their quota of men and means for the conflict waged in battlefields thousands of miles away, felt nothing of the convulsive shock which shook the eastward side of this Union for four years to its centre. To a considerable degree those two States were left necessarily to their own chosen course of action.

Had that Pacific slope been strong in its own resources

in 1861, and united in discontent or selfish aims against our general government, there might have been another rupture attempted, another secession. Happily, conditions were different and counted for loyalty to the old flag and an unswerving allegiance. All institutions on this remote coast were those of free labor opposed to economic slavery. Utah territory, indeed, with its Mormon church settlement, cherished independence at heart; but that independence would have been sporadic, if attempted at all, and hostile to our clustering States in one horizon or another, desiring in its religious establishment to be let alone. So far as concerned politics and political parties in States such as Oregon, California and Nevada, the only opposition developed to dominant Republicanism was that of a breezy and wholesome Democracy, Union in thought and expression, with nothing of "Copperheadism" or a deferential yielding to pro-slavery sentiment, such as long commercial and political intercourse and alliance had bred in our older States on the North Atlantic coast. Whatever thought of independence or neutrality ambitious spirits might have indulged in those early months after Fort Sumter fell, there was no organized revolt; and with citizens like the fervid Thomas Starr King, a San Francisco clergyman from New England, to inspire loyalty, the people of this coast spontaneously upheld the government at Washington with an emphasis and unanimity that swept all discussion before it, keeping our unified Republic sure. Once loyal in pronouncement, the Pacific quarter of this struggling Union proved loyal to the close. All these three Pacific States voted for Lincoln against McClellan in the critical campaign of 1864. Yet during the whole tribulation period of 1861-1865, Lincoln's administration could do but little in this far-off region, to strengthen and sustain its own authority.

And thus stood in 1865 this Pacific range of States and territories when the Union became redeemed and vindicated. Between May and July of that year, and just

as President Johnson was beginning the work of Southern reconstruction without a Congress at hand to check or criticise, a party of influential journalists, with the genial Speaker of the House, Schuyler Colfax, made a <sup>1865.</sup> long overland journey to traverse this region, hold intercourse with its citizens and learn in close conference their actual needs and political conditions, in the hope of inducing Congressional aid. Seemingly an unofficial trip, privately paid for, it was arranged with President Lincoln's express approval and bore from him a posthumous message. No party of such public distinction had ever before paid a visit to this remote region of the Union, and they received signal honors wherever they went. At this time the Union Pacific railroad, with some land grants and a charter from Congress, made its western terminus at Atchison, Kansas, while scarce sixty miles at the California end had been built. Hence two thousand miles of staging in Concord coaches intervened, through a lonely and desolate country, traversed by groups of white-canvassed wagons drawn by mules or oxen, amid varying scenes. Vast prairies were crossed with waving green grass, or sand dunes of sage brush; and then the rich slopes and rough valleys of the Rocky range, picturesque with cascades and mountain peaks; far beyond which appeared well-tilled Mormon farms and Utah's marvellous Salt Lake. Denver and Salt Lake City showed eager hospitalities in turn, and, though centering their visit chiefly at San Francisco, the Colfax party made a northward excursion to Oregon. From the eastern terminus of the California-Pacific railroad there was a sail of one hundred and fifty miles by steamboat down the Sacramento River, before San Francisco and the Pacific Ocean were really reached. Taking homeward a less tedious route, the travellers returned to New York by way of the Panama Railroad across the Isthmus, voyaging in ocean steamers on either side.<sup>1</sup>

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<sup>1</sup> Across the Continent, by Samuel Bowles, editor of the Springfield Republican, gives a graphic and interesting account of this whole Pacific tour. Bowles was one of the journalists in the party.

A few problems our citizens of the Pacific coast were found considering for themselves, all national solution having been, thus far, held in abeyance. (1) The Mongolian immigration from Asia, which threatened new racial difficulties, aside from those negro and Indian elements which the first century of American independence pressed upon us. Already no fewer than sixty to eighty thousand Chinamen were scattered over these Pacific States and territories, numbering from one-eighth to one-sixth of the entire population. They washed clothes, they delved in the mines, they used shovel and pickaxe for railway-building, they served as menial servants; and with plodding industry and patience, quick to copy and to do as they were told, they proved laborers so admirable, and withal so cheap in recompense, as to excite strong jealousy among the white wage-earners wherever they came in competition. They came and went from China, hoping to have their corpses buried after death in their own country, and seemingly without definite idea of remaining permanently in America, or of becoming, with their children, American citizens. Outlandish in religion, dress, language and names, they could not and would not assimilate with our citizens.<sup>1</sup>

(2) Mormonism in Utah, too, promised national perplexity. Of those "twin relies of barbarism," which the Republican party had early proclaimed a mission to destroy, polygamy had been left untouched while slavery amply absorbed all immediate effort. But the Mormon hierarchy, with its secret despotism of leaders, threatened more immediate trouble to the Union than the domestic incident of multiplied wives and children which openly attended it. Brigham Young, as recognized civil and religious head in this territory, was assiduous in attentions to this Colfax party, well aware of their influence upon national opinion and Congressional legislation, yet our visitors were impressed with "the thin disguise" of loyalty

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<sup>1</sup> Across the Continent, *passim*.

and an acquiescing disposition which was assumed by these solicitous entertainers.<sup>1</sup>

(3) As to mining enterprises, Lincoln's message had been—and even while far-off Alaska did not belong to us—that "the United States held the treasury of the world." But the Colfax party learned to warn eastern investors against all Pacific speculations founded upon imperfect processes and unscientific investigation. To be sure, gold and silver ore were in abundance hereabouts, but precious metals do not lie on the surface of the earth, nor are they to be successfully exploited at random. Fraud, deception, gambling ventures, all should be carefully guarded against by those whose money was sought by promoters.<sup>2</sup>

(4) But as the chief and most earnest lesson of the hour, all energies of our Eastern capitalists needed to be united in completing, as soon as possible, the proposed railway line which should span this whole continent, and bring the homogeneous population of our two great coasts into full social and commercial harmony. "When will the Union Pacific be built?" was the anxious inquiry of fellow-citizens in California and Oregon on every hand; heartsick as were so many of them for a closer ligature with the rest of the Union. Though Holliday's stages were well run and equipped, though the Wells-Fargo Express Company assured safe transportation for valuable matter, vying with our Post-office establishment as letter carriers, and though steamship lines to the Isthmus had grown and improved, this whole Pacific coast sorely needed the steam locomotive and the iron track.<sup>3</sup> To this immediate end the Colfax party accomplished something on its return home, and acts were passed by the present Congress which stimulated Wall Street interest and revived hopes which had been faltering, that the transcontinental railroad would soon be finished. To this topic, in national and political aspects, we shall return.

One great metallic bond of another kind for uniting

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<sup>1</sup> Across the Continent, *passim*.

<sup>2</sup> *Ib.*

<sup>3</sup> *Ib.*

communities far apart in intelligent intercourse was happily completed during the summer of 1866; and here the ligature was by water instead of land, and with a compact cord of wires and gutta percha instead of an iron track. The successful laying of the Atlantic submarine cable for practical operation, bringing the old world in daily communion with the new, was at that time accomplished by its chief promoter, Cyrus W. Field, our own fellow-citizen, aided this time by British capital, in a project which had begun as altogether an American enterprise. After the discouraging failure of 1858,<sup>1</sup> came the dark days of our Civil War, and it was not until peace fully returned that Field resumed his experiment, with a generous Englishman, Thomas Brassey, to provide further funds under British auspices. In July, 1865, the Great Eastern left Ireland for Newfoundland, its great coil of wire slowly unwinding, but in mid-ocean the cable parted and went to the bottom. Baffled, but not beaten, the projectors raised new sums of money by another summer, and this time, though fogs and storm impeded progress, the voyage accomplished its purpose. "Our success," writes Field, "was the result of the highest science combined with practical experience." And strangest of all, after landing this cable safe at Newfoundland, the further feat was achieved of locating in mid-ocean and recovering promptly from its oozy bed, two and a half miles deep, the lost cable of the year before, to be safely spliced and brought ashore.

A new era dawned upon the two hemispheres by August, 1866. For diplomacy with the great powers of Europe, the interchange of elaborate letters, with intervals of anxious suspense and delay, was henceforth to be varied by quick-wired arrangements and public negotiations at conversational range. Foreign travellers might henceforth exchange messages with those left at home. International commerce took up its negotiations and bargains as though by word of mouth. And henceforth in the daily

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<sup>1</sup> *Supra*, vol. V., 406.

newspaper one at his breakfast table no longer perused the intermittent columns of "ten" or "fifteen days later from Europe," as a budget of news, compiled by the drudgery of instalment, but learned what had happened abroad the day before. Fact and rumor were to mingle henceforth more and more in the world's intelligence, and the foreign scarcely less than the domestic pulse could be held in hand for mutual security and convenience, the world over. That electric spark, once set darting to and fro, fathoms deep in the Atlantic, has never since rested, and the accomplishment here of our great cable enterprise assured still wider submarine achievements in the years to come.<sup>1</sup>

## SECTION VII.

### THE IMPEACHMENT FAILURE.

Our 40th Congress holds a unique record in American history: first, as the only Congress which ever held short sessions at close intervals, so as to watch and check a President; and, next, as the only Congress which ever undertook a President's impeachment. It met for organization and business, under the new act, which set <sup>1867-</sup> the 4th of March as the date henceforth—an <sup>1869.</sup> experiment, I may observe, that was abandoned by 1873.<sup>2</sup> This Congress met March 4, 1867, organized, and then adjourned March 30; it reassembled July 3, and adjourned July 20; it reassembled again November 21, and ended December 2, by which latter date the regular business session commenced. Schuyler Colfax, with smiles <sup>3</sup> and affable manners, was for the third time chosen Speaker of

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<sup>1</sup> C. W. Field's Narrative (1866) in 9 Halsey's Great Epochs, 70.

<sup>2</sup> *Supra*, p. 89. In official description, all sessions prior to December 2, 1867, are combined as the first session; the long and regular session for that date being styled the second; and the third and final one beginning December 7, 1868. U. S. Stats. at Large, 1867-1869.

<sup>3</sup> "With his heartless, everlasting smile," writes Welles censoriously. Many of that day called him "Smiler Colfax."

the House, while in the Senate bluff "Ben" Wade renewed that distinction of President *pro tem.*, which was soon to cast forward a long shadow.

Wade was now the official designated by law to take the Presidential chair, should Andrew Johnson be at any time impeached and removed. A hindrance and irritant to the free will of the majority in these two Houses, as all admitted, that unpopular President learned that, although the Ashley Committee of the past Congress had failed, with all its searching, to find any impeachable offence to report, the idea of removing him was still under discussion and inquisition. To one of his cabinet who warned him of this, Johnson broke out passionately: "I will do nothing to check impeachment if there is any wish to press it. I am tired of hearing allusions to impeachment. God Almighty knows I will not turn aside from my public duties to attend to these contemptible assaults which are got up to embarrass the administration."<sup>1</sup>

Many at the capitol, during March, had wished an adjournment to December, the usual date, but the ruling majority felt bound to see whether the two laws lately

<sup>1867.</sup> passed over the veto were executed. <sup>March-July.</sup> They dared not leave the President in free control, and rumor went that Stanton had besought them. Yet Johnson had acted and meant honorably. Much as he disliked the military government act and doubted its constitutional force, he tried faithfully to execute its mandate, now that it had become a law in spite of him.<sup>2</sup> He had even assigned the heads of military departments as Stanton desired, although thinking Sickles for the Carolinas, and Sheridan for Louisiana and Texas undesirable. To Sickles various objections applied; while as for Sheridan, though brave and patriotic and an intrepid fighter, he was too hot-headed, arbitrary and impulsive, too much given to indiscreet announcement, to handle well those turbulent and troublesome elements that clashed in the crescent city.

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<sup>1</sup> Diary, March 8, 1867.

<sup>2</sup> VI. Rhodes, 60.

The only legislation of consequence which passed Congress in its first subdivided session, strengthened and defined the military-government act of March 2, providing full machinery for its enforcement. By an amendment was prescribed a local registration of voters with local boards before whom all white delegates, besides swearing allegiance for the future, were to make oath that they had not been in active rebellion against the United States in the past,—an “iron clad oath,” in the parlance of the day.<sup>1</sup> Stanbery, the Attorney General, gave two rulings, purposing to make this legislation work more acceptably in the South where it applied; one was, that in registration, the oath taken by the white voter concluded his right to be registered, and could not be disputed by the board; the other, that military government was meant, after all, to be subordinate and ancillary to the civil government of the State and not superior or so as to supersede.<sup>2</sup> These two rulings, which Congress disapproved, led to a second supplementary act in the July session, which made declaratory provision to the contrary.<sup>3</sup> And thus the new reconstruction scheme of Congress stood complete.

During the summer of 1867 three ominous decisions of the Supreme Court were rendered by a bare majority—five to four—, all restrictive of despotic interference by Congress or the Executive, where normal State conditions had obtained. In the Milligan case the military arrest and trial of a civilian by Federal court martial, as though “a prisoner of war,” was held illegal in a State like Indiana, never within the seat of war at all, where the usual civil and criminal courts were constantly open. The other two decisions established that Congress had no right to exclude lawyers or clergymen, otherwise of good standing, from practising professionally their several callings, by imposing “ironclad” oaths or other special

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<sup>1</sup> Act March 23, 1867, passed over the President's veto.

<sup>2</sup> VI. Rhodes, 60-64.

<sup>3</sup> Act July 19, 1867, c. 30, passed over the President's veto.

tests, as to loyalty or disloyalty during the late rebellion. But our Judiciary kept its intervention within reasonable limits. For when the State of Mississippi—and Georgia likewise—sought by injunction to have the Executive restrained from enforcing the new military government act within their confines the Supreme Court refused to antagonize by any such mode.<sup>1</sup>

On the whole, however, the court seemed inclined to sustain the President's views largely as against Congress, and radicals of the two Houses made indignant remonstrance against what they termed a "judicial usurpation." Late in the present year the military arrest of a Southern editor, McCardle, threatened to bring at once before the Supreme Court, in a test case after the natural course, the constitutional issue of this whole legislative scheme of 1867; whereupon Congress, taking alarm, passed an act over the President's veto, in early 1868, which, by a deft paraphrase, cut off jurisdiction of the suit altogether, so that the court dismissed the appeal. Hence, as an eminent lawyer who had once sat in this tribunal<sup>2</sup> said later, Congress, "with the acquiescence of the country, subdued the Supreme Court as well as conquered the President." That august tribunal had not been potent in politics for the last ten years, and new humiliations yet awaited it with a closely divided bench. But between Congress and the Executive, ever since 1861, had been a rivalry to gain the upper hand; and while under President Lincoln, the Executive became paramount, Congress, during Johnson's term of office, reversed with energy the situation.

Our Federal Judiciary, however, by action or rather inaction, did something for calming the passion of our Northern conquerors for vengeance and a victim. "How about Jeff Davis?" one of Johnson's jeering auditors had called out to him, when he spoke at Cleveland the

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<sup>1</sup> 4 Wallace Reports, *passim*.

<sup>2</sup> 1 B. R. Curtis's Life, 421, quoted VI. Rhodes, 97. Cf. Texas case later decided in April, 1869, and cited *supra*, p. 41.

summer before; and the President in reply referred the questioner to the courts, which had all the machinery for a trial and did not make use of it. Jefferson Davis, when captured and confined at Fortress Monroe, in 1865, was placed in a gloomy room and manacled. At such indignities the prisoner protested, and President Johnson ordered the rigors relaxed. The irons were struck off, he was moved to pleasanter quarters in this stronghold of confinement and his health was better cared for.<sup>1</sup> Secretary McCulloch, sent upon a special visit of inspection in October of that year found the famous captive walking for exercise on the ramparts under a guard. Conversing with him freely and at length he found that Davis had now no complaint to make of his treatment, further than the delay of his trial, which he deemed a hardship.<sup>2</sup>

Government left its prisoner thus for two years, uncertain what to do with him. The idea of a summary court martial, at first projected, was abandoned; while as for trial by a jury in the usual courts, it became clear that Davis could not be convicted. A jury would have to be drawn and the trial held somewhere in the region of the insurrection, where none were unprejudiced; besides which, after all, he was the chosen leader and chief, rather than head conspirator, in an open Southern movement, whose public and political character could not be ignored under any legal definition of "treason." Hence, while formally indicted for high treason by a Virginia grand jury, the culprit was in May, 1867, brought by a writ of <sup>1867,</sup> *habeas corpus* before a Federal judge and admitted <sup>May.</sup> to bail for \$100,000, Horace Greeley volunteering to be one of the bondsmen. Once set free by these proceedings, Davis remained at liberty for the rest of his long life, which lasted until the age of eighty-one. Included in Johnson's final amnesty and pardon of Christmas, 1868,

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<sup>1</sup> "He was the head devil among the traitors," said President Johnson to McCulloch, "and he ought to be hung; but he should have a fair trial and not be brutally treated while a prisoner." <sup>2</sup> *Ib.*, 410, 411. *Men and Measures*, 410.

the suit against him was dropped and a *nol pros* entered. By that time the whole Union, disposed to be magnanimous where criminal penalties alone were concerned, gave to oblivion its willing sanction.<sup>1</sup>

Of the Military Reconstruction act with its amendments —this statute scheme of 1867—, Mr. Rhodes observes: “No law so unjust in its policy, so direful in its results, had passed the American Congress since the 1867. Kansas-Nebraska Act of 1854.”<sup>2</sup> In this opinion I

fully concur. It was not so much the military domination: for Federal troops had been kept at the South, ever since insurrection was crushed, and this with the approval of Southerners themselves, for aiding to protect lives and property and to restore social order and confidence. Most of our Federal soldiery detailed under this legislation, and their commanding officers, behaved admirably still. But the real mischief consisted in a forcible uprooting of State governments already advanced towards natural conditions of self-rule, and in replanting them on a new political basis utterly impracticable and ruinous. Few States as yet, in this Union’s victorious area, admitted an humble quota of well-trained colored men to freely participate in the local ballot, and not one of them favored or has favored in practice, to this day, a co-equal promotion to office, regardless of race or color. Yet here, in these disordered communities of a section but just emerging from bloodshed and bankruptcy, swarming with negro inhabitants only lately let loose to roam at large, profoundly unlettered and wholly untrained to genuine responsibility and self-respect, a wholesale right of suffrage with the full opportunity for holding public office, besides, was at once bestowed and encouraged,—all in disregard of that gradual discrimination in conferring the ballot which liberal South-

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<sup>1</sup> Men and Measures, 410, 411; VI. Rhodes, 50–59. Personally Johnson still regretted that Jefferson Davis could not have been convicted of treason and made an example. Century Magazine, Jan. 1913, p. 440.

<sup>2</sup> VI. Rhodes, 23.

erners, such as the President, who best understood conditions in their own section, had been disposed to favor.<sup>1</sup>

The results were not hard to seek. This estray of emancipation was turned from honest and steady industry, under educating influences, to a childish gamble in politics, while the intelligent citizen of the superior race who had hitherto led on his native soil all his life and whose stake in civil order and recuperation was most vital, found himself disqualified to vote, and the fraternal hand spurned which he had lately stretched across the bloody chasm, led to suppose that bygones would be bygones. Instead of the Northern capital and enterprise which might have been welcome, Northern adventurers without means came flocking in, many of whom took advantage of the situation to manage this ignorant vote so as to secure for themselves the chief political prizes, leaving the lesser ones to their docile allies.<sup>2</sup> The public patronage here, with the power to tax and procure loans, was sufficient to provide a common corruption fund.

Such a travesty on self-government could not last long in a Union of intelligence like ours; but while it lasted, they who lived under its incubus, struggled as with some hideous nightmare. It was like trying to sail the Ship of State keel uppermost. Northern white immigration to these States, even such of it as was honorable, came under false colors; fraternal and unsectional feeling disappeared; the negro was put back twenty years or more in achieving his own co-operative good; while as for the Republican party, instead of absorbing the whole reunited people into its own loyal fold—thereby presaging new combinations in national politics after an era of good feeling—, it confined the old party alignment to the North, as hitherto, forcing Southern self-respecting voters into a re-alliance with Northern Democrats, portentous in its new aspects. Scarce a State in the Sunny South, thus solidified, in opposition

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<sup>1</sup> *Supra*, p. 36.

<sup>2</sup> A “terrible inert mass of domesticated barbarism.” C. F. Adams, Jr., cited VI. Rhodes, 82.

to this day, has Republicanism ever carried with the freely expressed will of its own recognized electors, after military pressure was removed.

Some Southern States, such as Alabama, Florida, Mississippi and South Carolina, had passed vagrancy and apprentice acts seemingly harsh and cruel to the liberated race. Such legislation Northern writers have cited for justifying the Military Reconstruction acts.<sup>1</sup> A milder remedy, in any case, might have been devised for such an evil, than putting the vagrants and apprentices into power to rule those who had attempted discipline. In any self-governed State which seeks to re-model its institutions when racial slavery is abolished, laws are likely to be framed which the enlightened of a State or country long relieved of such conditions, or always free, might think oppressive; since barbaric customs change but slowly and freedom's discipline must be gradual. It was so with codes of New England, New York and New Jersey, during our post-Revolutionary period from 1783 to 1800.

All trustworthy testimony shows that things had been going fairly well at the South and even improving, when Thaddeus Stevens forced his overturning plan through a reluctant Congress in its final session; and that vindictiveness against the President, coupled with the desire to thwart political alliances at the South potentially with Northern Democrats, inspired that legislation quite as much as any real regard for the social and economic wants of the States so rudely trampled upon, or the uplifting of the freedman himself. No government in that prostrate region could have brought immediate peace and order or the speedy affiliation of whites and blacks in their new civil relation. Possibly the intelligent and masterful among white citizens who had supported the lost cause of secession assumed too readily that they would be allowed without interference to shape out the consequences in training the emancipated of their own inhabitants to

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<sup>1</sup> In 2 Blaine's Twenty Years such local laws are severely condemned; but Herbert's Reconstruction, 31-36, defends them.

take a permanent part in that condition of universal freedom which they had now accepted in entire good faith, or even good will; yet, surely, the white leaders of those several States bore fittest the responsibility of ushering in the new and more humane era in their midst. Besides the respective State courts, those of Union and Federal jurisdiction were already in full operation.

President Johnson himself, as Mr. Rhodes frankly concedes, wished earnestly that the negroes should be well treated. This his despatches to Southern governors made evident; and the Civil Rights and Freedman's Bureau statutes, passed over his veto, he had well and faithfully enforced.<sup>1</sup> His cabinet officers, too, were all loyal to the Union, tried and true, and all but one of them<sup>2</sup> had been party Republicans during the war.<sup>3</sup>

During the summer recess of Congress President Johnson, accompanied by some of his suite, made two brief excursions in June. One was to North Carolina, where greetings were unceremonious; the other to Massachusetts, to officiate in laying the corner-stone of a new Masonic temple in Boston. All went well on each occasion; there was little speech making, and no unseemly disturbance. In Boston, a crowd which lined the sidewalks, more out of curiosity than accord, beheld for the only time their much-abused President, riding in procession in an open carriage and bowing deprecatingly from side to side—a man of sturdy frame and middle size, with profuse black hair inclined to curl up underneath, a smooth face, swarthy complexion and sparkling black eyes—, while the chief Masonic dignitary of the day sat by his side, smiling complacently. Both Massachusetts Senators were absent from the ovation; but the governor of the State, though hostile in politics, tendered the official courtesies with urbane propriety, out of respect for the office; while municipal honors were added

<sup>1</sup> VI. Rhodes, 27.

<sup>2</sup> Stanbery, the Attorney General.

<sup>3</sup> VI. Rhodes, 27.

more heartily. At a banquet given in the evening, Johnson made a speech brief and appropriate. He had learned something of the taste of Northern auditors since his Chicago tour, the year before.<sup>1</sup>

As a basis for the new legislation Congress made inquiry of the President in February, 1867, whether the Civil Rights bill had failed in any respect of enforcement. Johnson referred that question to the several department heads, most of whom reported to him with promptness. But Stanton acted strangely; producing in cabinet conference, after some delay, a scandalous report made up of inflammatory matter, scrappy, ill-vouched for and ob-

<sup>Feb.-</sup> viously intended to give a one-sided and unfavorable view of the social conditions existing at the <sup>June.</sup> South. Seward was against sending any such report to Congress; but Randall, the Postmaster General, suggesting that the President might forward it with his own disclaimer of knowledge concerning the facts, Stanton eagerly caught at that idea. In the course of a further discussion, the Secretary admitted that some members of Congress had copies of his report already. Upon such proof, self-confessed, of Stanton's own complicity with conspirators in the two Houses to break down the President and his policy, there was commotion in the cabinet. Seward, who had been Stanton's friend and upholder, was silent; while Welles and others present expressed their indignation warmly. Johnson reserved all comment, but, as he told Welles later with sparkling eyes and repressed emotion, he well apprehended what Stanton's conduct meant.<sup>2</sup>

Here, as both Welles and McCulloch have claimed in the retrospect, Andrew Johnson made a fatal error in not displacing at once his faithless Secretary of War. "It was a blunder for which there was no excuse," wrote the Secretary of the Treasury many years later; and Welles, in his current Diary commented harshly upon Johnson's

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<sup>1</sup> Diary, June, 1867; newspapers.

<sup>2</sup> Diary, Feb. 15, 1867.

hesitancy and indecision in keeping longer among confidential advisers this spy and betrayer.<sup>1</sup> Congress had not yet passed its Tenure of Office act, though it soon would do so, and meanwhile all government practice favored a President's control of his own cabinet. Stanton, if asked to resign, would most probably have reported at once to his friends in Congress, dallying with a correspondence while passage of the bill was hastened. But such a course on his part would have justified an immediate removal; besides which, any measure passed by Congress must have awaited the President's action or non-action before it could become a law. But Johnson, if erring here, erred because the sequence of later results could not yet have been forecast; and being at the time, besides, under a fierce inquisition by men in Congress who longed for occasion to impeach him, his usual patient and forbearing disposition was fortified likely enough by a knowledge that it would be imprudent, just now, to provoke a new issue.

In the effort to get acceptable commanders under the military reconstruction of Congress, Johnson deferred so greatly to the Secretary of War as to make other and more faithful members of the cabinet feel that they were slighted.<sup>2</sup> Yet all the while, as Stanton's self-confidence grew, the insolence of his bearing towards his chief became more noticeable. In a cabinet conference of June, where the Attorney General's views were presented, and all the other members acceded to the idea that the President could still exert a constitutional discretion, as Commander-in-Chief, Stanton maintained, boldly and bluntly, that Congress meant here to establish military governments at the South as supreme, to suit its own views against the President, and that it had power to do so.<sup>3</sup>

Congress adjourned in July, 1867, not to meet again

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<sup>1</sup> Men and Measures, 391; Diary, Feb. 16, 1867.

<sup>2</sup> Diary, May 4, 1867.

<sup>3</sup> *Ib.*, June, 1867; Johnson Ms.; Annual Cyclopedias, 1867.

until November, and the President took that opportunity to bring relations with his obnoxious Secretary to a close. There was at the time much ill-feeling in Louisiana, with riotous commotion at New Orleans; and General Sheridan, in command there, who made some civil removals, was accused of rashness and political favoritism.<sup>1</sup> The situation called fairly for a military change and new military orders. But here the Secretary of War obstructed, and his course was exasperating; so after deliberating upon Sheridan, the President went to the fountain-head of trouble and concluded that Stanton should be displaced. He had long sought to conciliate and bring this Secretary to harmonize with himself and the rest of the cabinet. "For twenty months," wrote Welles in June "the President has submitted to humiliation from the War Department."<sup>2</sup>

But Stanton, who had mainly composed Johnson's veto message on the Tenure of Office act, abhorring the idea of forcing any President to retain a Cabinet officer unwillingly, now turned upon his own doctrine, to the astonishment of colleagues who had heard him thus express himself. The President's letter, <sup>August</sup> August 5, requested his resignation, alleging public considerations of a high character as a motive to this step. Stanton promptly replied, with mocking insolence, that public considerations of a high character induced him to continue and not to resign at present.<sup>3</sup> This left the President in the dilemma, whether to remove summarily, as his predecessors had done, treating the Tenure of Office constraint as unconstitutional, or, following the terms of that act, to suspend, with an *ad interim* appointment, and submit his reasons

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<sup>1</sup> Complaints reached the President in June from responsible quarters. Johnson Ms.

<sup>2</sup> Diary, June, 1867.

<sup>3</sup> VI. Rhodes, 65, cites a contemporary letter of McCulloch (Johnson Ms.), as indicating that this Secretary was not in favor of displacing Stanton. That letter referred, instead, to the transfer of Sheridan from his department command. Cf. Diary, August 2, 3, 1867. Both Welles and McCulloch had repeatedly urged the President to remove Stanton from the War Department.

to the Senate when that body met again. Having taken his own initiative in this perilous issue, without seeking counsel from cabinet advisers, Johnson chose the latter and more prudent course. He suspended Stanton from office, August 12, and made General Grant Secretary of War *ad interim*.<sup>1</sup>

Grant's selection was an excellent one for controlling the situation, since this chief hero of the Civil War was the most popular man in the Union and the most trusted. Grant had thus far, with great reticence, avoided political controversy and his instincts were conservative. It was well for the President to secure so influential an ally. Stanton, content with a protest, turned over the department papers and records to this *ad interim* Secretary, and the country, as well as Congress, accepted the situation with such tranquillity that the Senate postponed exercising its own statute function over the change until the regular session of December furnished full leisure to discuss the President's explanations.

The President was not slow, however, in requiring his Secretary *ad interim* to supersede General Sheridan as a department commander; the General Thomas of Chickamauga fame being at first designated as successor, whose health did not permit him to serve, and Hancock succeeding in his stead. Grant strongly objected to the change on his comrade Sheridan's behalf, but yielded compliance. With less reluctance, he replaced General Sickles in the Carolinas by Canby, also upon the President's order. From these two changes the public sustained no detriment.<sup>2</sup>

<sup>1</sup> VI. Rhodes, 65-68.

<sup>2</sup> Cf. VI. Rhodes, 69, 70, with Welles's Diary, *passim*, which upholds the President's action throughout.

General Grant, in a letter of August 1 (marked "Private"), had tried to dissuade the President from removing either Stanton or Sheridan. The latter he defended as his own friend. As to the Secretary of War, he argued that Stanton had the confidence of the country, that the President's purpose could not prevail in the end unless the Senate sustained him, and that the Tenure of Office act meant in effect to prevent Stanton from being removed at will. Johnson Ms.

While the conservative North, through the present turmoil between President and Congress, relied most of all upon its General-in-chief, as another Washington, to shape the situation becomingly, Grant's *ad interim* tenure, thenceforward smooth enough, involved him in an unfortunate misunderstanding with the President at its close. The Senate majority, in its present mood, disapproved, as might have been expected, the suspension of its cabinet co-worker, and treated the President's reasons as unconvincing; whereupon, January 13, 1868, Stanton at once reappeared at the War Department to resume his official duties. Grant yielded up the keys immediately and vacated, notifying the President that he had done so, instead of stating such a purpose beforehand, as he should have done. A painful scene followed at a cabinet meeting, the last which Grant ever attended in presence of an official superior, and the only one from which he ever withdrew crestfallen, after receiving a dignified rebuke which colleagues must have felt that he deserved.<sup>1</sup>

The President had in fact, meant to force Stanton into

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President Johnson, August 17, issued a formal order to have Sheridan transferred to Missouri and Thomas detailed to New Orleans in his stead; at the same time giving his Secretary *ad interim* leave to make suggestions. Grant thereupon protested warmly, defending Sheridan's conduct and stating that Thomas did not wish to be substituted. To this the President, August 19, made a calm reply, stating forcibly the reasons for his present order and suggesting that, under the acts of Congress, he had the power of making military changes at discretion. Grant wrote another letter, August 26, but the President insisting that his order be carried out without further delay, Grant's letter was returned to him at his own request to withdraw it and Sheridan was transferred accordingly. Gen. Hancock, after taking command, suspended the wholesale civil changes and removals which Sheridan had ordered. No controversy seems to have arisen over the displacement of Sickles. Johnson Ms.

<sup>1</sup> See Diary, January 14, a record which Welles wrote out immediately after returning from the cabinet meeting, impressed with the importance of that dramatic incident. See also Johnson Ms.

court to test the legality of his reinstatement, in case the Senate took such action; and upon that understanding Grant had promised him to allow another *ad interim* appointment to be seasonably made, should he himself prefer to stand aside. His precipitate withdrawal from his post in Stanton's favor, under those circumstances, looked, therefore, like a purposed breach of faith and a collusion with Stanton to outwit the President's purpose. Probably, however, Grant meant nothing of the kind, but only acted carelessly, thinking that Stanton would resign after carrying his point; and in fact, he and General Sherman conferred at once as to who best might fill Stanton's expected vacancy. But Grant did not comprehend Stanton's wilful purpose. That Secretary repossessed himself of the old brick war building, as of some impregnable fortress whose guns might be trained upon the White House. Without brazenness enough on the one hand to confront his chief or attend cabinet meetings, and without attempting, on the other, to conciliate, he deemed himself thenceforth the accredited agent of Congress, kept in place to openly defy and hinder the Executive. In earlier episodes of politics Stanton had shown the same disregard of the proprieties of life and of those honorable feelings which lead a man to resign his post and withdraw, where self-respect forbids an obedient service. The justification set up for conduct so strange, on each occasion, has been an overwhelming sense of duty to the people, to his country; and of the measure of that justification, whether in 1861 or in 1868, posterity must judge. Barricading himself in his quarters, when he found Johnson disposed to try conclusions once more,—there to remain day and night, for meals and lodging,—and compelling military officers to report and the department mails to be turned over to him at all times, he availed himself to the utmost of those nine points of the law which possession is said to confer. That an administrative climax so intolerable, so anomalous, could be long maintained, is enough to condemn the Tenure of Office act for all time, as subversive of lawful authority in the Executive branch of

government. Yet when in straits, Stanton's radical friends in Congress urged him to "stick"; and hence the appellative "Stick Stanton," now widely bestowed upon him, by some in applause, by others in derision.

Disturbed in mind by this unforeseen imbroglio, and nettled, moreover, by statements appearing in the press that he had broken faith with the President, General Grant now addressed to the President an open letter of denial, to which the latter responded, asserting that the General had promised to hold on or else vacate in season for Stanton's return to be opposed; and, in the further correspondence which followed, Johnson with a vigorous pen followed up his charge by annexing the statements of five cabinet ministers, all present at the January meeting, to the effect that Grant had actually admitted as much before them.<sup>1</sup> The effect of this controversy, however, was to the lasting disadvantage of the injured party; for our people were in a mood to believe nothing that might be alleged against Grant, but anything against Grant's present adversary. Grant did not, in waiving or conceding the fact, allege, as he should have done, his honesty of purpose. This grim hero's settled animosity to the President for the rest of the latter's life was enough to keep Johnson's memory loaded with reproach until oblivion might ensue with the next generation.

It was almost inevitable that a self-respecting Executive, neither abject nor cowardly, should make a new effort to assert his constitutional rights; though prudent friends advised Johnson to provoke the situation no further, but let Congress feel the consequences of their own false step. By this time our President probably realized the risks of <sup>February.</sup> impeachment, and preferred taking them to enduring a passive ignominy for the rest of his term. But, always too prone, for his own welfare, to handle a perplexity after his own fashion and without due provision

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<sup>1</sup> VI. Rhodes, 102, 103, admits that the President had the better of this controversy, but blames him for it.

against failure, he played the new game with astute party leaders in Congress, quite as obstinate as himself and far more resourceful, with better spirit than discretion. He would have liked General Sherman to bear the brunt of his new experiment; but that officer's intimacy with Grant precluding him, he fixed upon Sherman's father-in-law, Thomas Ewing, as permanent Secretary, with Adjutant General Thomas for an *ad interim*. Neither selection was a wise one. Ewing, though a frequent and a sound confidential adviser, was too old, too long retired from active politics, to be thought more than an honorary incumbent of the War Department, even in the remote contingency that the Senate would confirm him. And as for Thomas, though he had made a good Adjutant General, in years past, for promulgating Stanton's own orders, he was by no means a person to inspire his superior with awe or to get the better of him in either a coaxing or a browbeating match.<sup>1</sup>

When Thomas, February 21, brought into Stanton's rooms, in the building they occupied together, two letters from the President, appointing him *ad interim* and ordering full possession to be surrendered, it was natural that the Secretary, upon resolving to disobey, should order him back to his own office. The Adjutant General was arrested on the 22d, at Stanton's instigation, on a charge of violating the Tenure of Office act, and gave bail; but when the President accepted that opportunity for a test in the courts, such as he had all along desired, Stanton's quick-witted friends avoided such an outcome by dropping the prosecution.<sup>2</sup>

Meanwhile Congress took quickly its own action to meet the crisis. The Judiciary Committee of the House,

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<sup>1</sup> See Diary, February 21, 1868. The President informed his cabinet after the regular business was over, that he had that morning removed Stanton, having perhaps delayed the step too long. Welles makes written comment that the President is too late and has tried to do too much at once.

<sup>2</sup> "After various twistings and turnings." Diary, Feb. 26, 1868.

taking over the impeachment investigation from the preceding Congress, had kept that subject in sight, and the House itself was ready to pass a resolve whenever new evidence would justify. The Thomas incident was decisive. On Monday, February 24, the House adopted a resolution for impeaching the President by a large majority and announcement was made the next day at the bar of the Senate. The President had already sent to that body the name of Thomas Ewing as Secretary of War, but that nomination was never acted on. The Senate prepared to try without delay the charges which the House presently framed. On the 5th of March the court of impeachment first met, the Chief Justice presiding, as the constitution directs in such a case.<sup>1</sup> But the Senate, intent upon its own political ends, was both judge and jury.

<sup>March-</sup> The whole trial, as Henderson, then a Senator, has <sup>May.</sup> lately observed in the retrospect, was not a judicial event, but the culmination of a struggle for political advantage.<sup>2</sup> For this Executive might be checked in his appointments to office or his removals, but he could not be made to appoint as his radical opponents desired.

I shall not attempt the details of that solemn theatrical fiasco, the impeachment trial of 1868, which lasted with intermittent sessions for about six weeks. They may be studied among voluminous public documents, and Mr. Rhodes in his sixth volume supplies a just narrative, compiled from authentic sources.<sup>3</sup> Of the eleven articles upon which the procedure was based, the President's new displacement of Stanton made the exclusive foundation of eight; the tenth article complained of the stump speeches of 1866, disrespectful to Congress; while the eleventh, drafted by Stevens and styled the "omnibus," deftly combined these and all other charges against Johnson,

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<sup>1</sup> VI. Rhodes, 106-118.

<sup>2</sup> Century Magazine, December, 1912, p. 202.

<sup>3</sup> VI. Rhodes, c. 33. See also Cullom's Fifty Years; Andrews's Last Quarter Century.

after an expression calculated to win over the wavering, and upon that cumulative article the Senate made its first and test decision.<sup>1</sup> Seven managers served, on behalf of the House, for the prosecution, all members of that body; while five eminent counsel, all private practitioners, including Stanbery, who had resigned as Attorney General to serve among them, conducted the President's defence. The former set of men, each after his own style, might well impress a popular assembly; but in professional equipment for a contest of the judicial kind, they were much over-weighted by the latter.<sup>1</sup>

"High crimes and misdemeanors in office" the Senate were to pass upon, and not mere matters for censure. As Macaulay had written long before, impeachment, though a fine ceremony which may have been useful in bygone centuries, "is not a proceeding from which much good can be expected"; and this chiefly because politicians are judge and jury and are influenced in their decision by political motives. If this were so in England during the eighteenth century, when Warren Hastings took his trial in the House of Lords, much more did it hold true, in the nineteenth and in a country where a United States Senate held the scales. And if triers of an impeachment were liable to political bias generally, especially so were they here at the present time, when the next tenant of the White House and dispenser of the nation's patronage, were Johnson put out of the way, would be their own President *pro tem.* chosen by the majority of the triers. Later legislation upon calm reflection has placed the succession rather with the President's own cabinet, where neither a President nor a Vice-President, chosen by the people, can at once fill a vacancy.

But a dilatory trial, as in the case of Warren Hastings,

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<sup>1</sup> The House managers were John A. Bingham, George S. Boutwell, James F. Wilson, Benjamin F. Butler, Thomas Williams, Thaddeus Stevens and John A. Logan. The counsel for the President comprised Henry Stanbery, Benjamin R. Curtis, Thomas A. R. Nelson, William M. Evarts and William S. Groesbeck. See pictures in Century Magazine, January, 1913. p. 421 *et seq.*

where one generation arraigned and a later rendered judgment, did not take place, though in both cases the prosecution finally failed. All in this Congress of 1868 was expedition, with the wish to influence a coming convention in May which would put a new Presidential candidate of the Republicans in the field. Johnson's counsel asked for thirty days in which to prepare his defence, and were given only six. Chief-Justice Chase, of superb presence in his black silk gown, presided with dignity and impartially, but because of the real fairness of his rulings towards the accused the Senate majority voted them down repeatedly. To implacable foes of the President, like Sumner and Chandler, it seemed a waste of time to take careful testimony; their minds were made up in advance of evidence, and the oath administered seemed but a formality. Many other Republican Senators, more scrupulous and unimpassioned, rested upon the necessity of voting with their party as a unit, or else pleaded with themselves that the President was a dangerous man, an impediment, and for that reason as sufficient should be removed. Johnson's deposition from office was widely thought to be a party necessity.

Even supposing that clause of the Tenure of Office act at issue of constitutional force—which few at the present day would have the hardihood to claim—, why might not a second experiment be made by any President, at the lapse of a month, to reassert his own authority with a new *ad interim* appointment and a new successor's name as full Secretary submitted to the Senate, without subjecting that President to criminal impeachment as a wilful violator of the statute? Moreover, Johnson's counsel showed or were prepared to show, that at no time had the President thought of resorting to force or violence, but he had simply intended to test the legality of the statute in the courts. And, further still, they showed or were prepared to show, that Stanton himself had in cabinet expressed his disbelief in any such right to tie the President's hands by act of Congress; and once more, that Stanton had never been commissioned by President Johnson at all,

but like some other colleagues was a hold-over by permission from President Lincoln's cabinet, and hence might be thought not to be within purview of the Tenure of Office act at all. All this, by competent testimony, the President's counsel offered to prove; but, now here and now there, the Senate majority so hampered all admission of testimony favorable to the President that it is hard to say what they knew, upon the submitted evidence, and what they knew well enough without it.

I recall this impeachment scene, in the Senate Chamber, as I viewed it from the gallery for an hour, one day, while on a brief business excursion to Washington. The proceedings, that forenoon, were not interesting, being occupied mainly in some professional wrangle over the admission of testimony, and the attendance was so small that I found ready admission to a seat without the ticket offered me. It was not an impressive spectacle, and, except for the Chief Justice in the presiding officer's chair, with tables and seats in front for counsel and, as I think, a temporary witness-stand, the scene was not much different from that of an ordinary session of the chamber, with which I was familiar, Senators occupying their usual seats. Sadly wanting were the gorgeous accompaniments of such trials as history has described them for former centuries in old England—, with peers robed in gold and ermine, judges in colored vestments, wearing high-bottomed wigs, military men in scarlet uniform and stewards with wands and antique costume to perform the queer ceremonies of mediæval pomp,—all amid the blaze of rich drapery in various colors, and in presence of an illustrious audience of both sexes, half intent and half posing to be pictured. And, most of all, I felt the absence of that famous culprit and conspirator against his country's peace, as rumor had inflamed the people to believe. President Johnson had steadily declined to be part of the present show, or even to lend his cabinet as a body for that purpose. He attended solely by counsel. Could he but have been there in person, bending the knee when

arraigned, like Warren Hastings, or listening later to the fervid denunciations of our trans-Atlantic Burke or Fox, the lorgnettes of fashion in the galleries might have been turned upon a fit object of curiosity, and his passing phases of emotion watched and recorded. For such a parade some conspicuous arm chair in front of the Chief Justice, or better, perhaps, an iron cage, with a tipstaff to watch him, might have been thought appropriate.<sup>1</sup>

This trial afforded the opportunity for a display of forensic oratory on one side or the other, but happily it resulted in nothing more. Yet, so strongly had the dominating wing of the Senate held its party together, that, notwithstanding a few exceptional Republicans such as Fessenden, Trumbull, Henderson, and Grimes, men of independence and ability, had been known to stand out from their colleagues on the present issue, a two-thirds vote against the President seemed assured and would actually have been given, had not one obscure member of that body from Kansas, Ross by name, recorded a negative unexpectedly against his party when on the 16th of

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<sup>1</sup> Senator Cullom (at that time a member of the House), in his recently published *Recollections*, makes mention of colleagues like Blaine and Allison, who, while voting like good party men to impeach the President, agreed like himself, that the country was likely to be better off with Johnson still at the White House, rather than "old Ben Wade." And he recalls a dramatic scene at the trial, where the aged Thaddeus Stevens, always lame and sickly, was carried into the Senate chamber, weak and wasted, to be present with his fellow-managers. Cullom's *Fifty Years*, 156, 158. For that apostle of ill-will the present session was the last; for he died on the 11th of August, soon after this session had ended, knowing that impeachment was a failure.

Various letters offering advice reached the President in connection with this trial, some wise and some foolish. He was cautioned by Reverdy Johnson to employ counsel of imperturbable temper, conciliating tongues and able minds; and he did so. A stranger in Indianapolis sent him in April a draft for \$43 as a contribution to his defence; but Johnson made no use of it except to preserve the draft among his papers. Johnson Ms.

May the poll was taken, upon the "omnibus" count, the eleventh. That vote, just short of an adverse verdict, proved decisive; though an adjournment was carried until May 26, when another polling upon Johnson's alleged violation of the Tenure of Office act, in attempting to oust Stanton by the Thomas *ad interim* appointment, produced the same result, despite all effort to bring Ross under party discipline. The Democrats had voted against all impeachment. This ended the case and the whole hazardous experiment of removal from office.<sup>1</sup>

President Johnson had, in course of the trial, impressed others with an honest consciousness that he had done his duty to the best of his ability and that a good Providence would not permit him to be sacrificed.<sup>2</sup> And when the actual result was reported to him he showed the same quiet composure, while his countenance lighted up with a pleasant smile.<sup>3</sup>

Following this second vote, Stanton at once left the War Department of his own accord, and General Schofield became his unopposed successor for the rest of Johnson's term. A Secretary of immense service and energy while our Civil War lasted, one must sadly regret that Stanton's exit from public life was under such conditions. To become a spy and an obstructor, against the Executive nominally served in official confidence, must prove, in the end, a thankless task, as it certainly is odious. That this Union had really no reason to think Andrew Johnson another Arnold or Aaron Burr is clear to our later generation, and that in any case Stanton was not indispensable as Secretary appears by the readiness with which the whole country accepted first Grant and then Schofield in his stead.

And as for the impeachment trial itself, unwelcome as such trials must always be, we may conclude that, considering the verdict which ensued, it was better that

<sup>1</sup> VI. Rhodes, c. 33; Welles's Diary, March-May, 1868.

<sup>2</sup> Diary, May 2, 1868.

<sup>3</sup> *Ib.*, May 26, 1868.

the effervescence between President and Congress should thus have worked itself out than have been suppressed for later and perhaps worse mischief. For, however the quarrel might have been kept down in earlier months, a compromise between such stubborn adversaries at this latter stage had become impossible, and humiliation to one or the other must have resulted. Our people seemed to have resigned themselves with philosophy to the uncertain outcome; for though wagers were offered, here and there, as between Johnson and Wade, during those weeks of suspense, little excitement appeared outside of Washington, the premium on gold fluctuated but slightly, and citizens calmly pursued their usual avocations.

I agree with Mr. Rhodes that the glory of the trial belongs to the seven recusant Republicans who voted with the Democrats and saved Johnson from removal,<sup>1</sup> and of those seven Senator Ross, I think, deserves our chief sympathy, since he alone of them lost utter caste with the country and the State he served by his fearless negative. He was charged with corruption, but evidence confirmed his honesty. Driven by his Kansas fellow-citizens into political retirement on the first opportunity, as though with the brand of Cain upon his forehead, he died quite recently in utter poverty and obscurity; yet posterity should be grateful to him for what he prevented. Yet it came within a hair's breadth of political martyrdom for Andrew Johnson; and had he been convicted, the judgment entered would have been, not removal from his Presidential post alone, but disqualification, besides, from holding office under the United States thereafter. And such a judgment would have meant much to him.<sup>2</sup>

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<sup>1</sup> The seven recusant Republicans were Fessenden, Fowler, Grimes, Henderson, Ross, Trumbull and Van Winkle. See Welles's Diary, May 16, 18, 1868; VI. Rhodes, 156.

<sup>2</sup> Senator Henderson, like his recusant colleagues, endured immediate persecution from constituents because of his present vote for acquittal. The latest survivor of those seven, he cites John Sherman's later expression of satisfaction with the final outcome and asserts further that Senator Sumner himself confessed to him in confidence,

Charles Dickens, the novelist, who made a reading tour of our Atlantic cities in the winter of 1867-68, drawing great crowds and arousing enthusiasm, made a February call upon President Johnson, while in Washington, <sup>February</sup> by courteous appointment. He thus writes home after the interview: "He is a man with a remarkable face, indicating courage, watchfulness, and certainly strength of purpose. . . . I would have picked him out anywhere as a character of mark."<sup>1</sup>

President Johnson took the humor of his unpopular vetoes. At about this time "Mack," a Washington correspondent, used to hold quiet interviews with him at the White House and publish them. Johnson said he preferred this to sending a message to Congress: "for everybody seems to read the interview, while nobody seems to read my messages."<sup>2</sup>

## SECTION VIII.

### A FINAL RETROSPECT.

The national convention of Republicans was held at Chicago on the 2d of May, during the interval of the two Senate votes on the impeachment articles, which I have described. Here General Grant was unan-<sup>1868,</sup> <sup>May.</sup> imously nominated President, with Schuyler Colfax, Speaker of the House, for Vice President. The platform approved of Congress and its reconstruction policy and emphasized scrupulous good faith towards the public creditor in discharging the debt of the nation.<sup>3</sup>

Grant was really by acclamation the people's candidate for next President; and provided he allowed his name to be

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about 1870: "You were right in your vote and I was wrong." <sup>1</sup> *Century Magazine*, December, 1912, pp. 208, 209.

<sup>1</sup> *2 Forster's Dickens*, Book X., § 2. Dickens cleared about £20,000 over expenses by this brief tour, but the fatigue and exposure shortened his life. He died June 9, 1870. *Ib.*, Book XI.

<sup>2</sup> *48 Harper's* 232.

<sup>3</sup> *VI. Rhodes*, 158, 159.

used at all he was sure of being chosen, whether nominated by one existing party or the other, or without a strict party nomination at all. Now at the acme of his fame, the confidence of the whole Union went out to him spontaneously, as to no other American citizen since Harrison. His military triumph as conqueror and preserver was enhanced by the admirable temper he had thus far shown over the problem of Southern restoration. So far as could be perceived, he had borne with becoming patience and industry the share in reconstruction assigned him by President Johnson; and in the only controversy between them—that of making way for Stanton's return—none thought ill of him, while leaders dominant in Congress had actually been pleased with his course. Like the great sage of Mount Vernon, a grave reticence enhanced the reputation of his wisdom; deeds more than words spoke for him; his patriotism and purity were unquestionable and that seemed assurance enough. This hero was by political antecedents a Douglas Democrat and he showed good will towards Johnson's administration at the outset. But, courted and flattered of late by politicians of one opposing school or another from obvious motives, he had been drawn from neutrality, so far, at least, as to accept the Republican candidacy for President. Not without some reluctance he consented, in view of the supreme honor of the Presidency, to sacrifice professional station as General of the army, which would have assured him of a tenure for life with good pay and emoluments.<sup>1</sup>

The Democratic convention, later in point of time, assembled on the 4th of July in New York city, and after adopting a platform which took issue with Republicans, chose candidates after many ballots, the usual two-thirds rule applying to that party faith. George H. Pendleton of Cincinnati—"Gentleman George" as he was called because of polished manners and a high social posi-

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<sup>1</sup> 1 Forney's Anecdotes, 288. The fall elections of 1867, which were rather unfavorable to the Republicans, had turned them strongly to seeking Grant as their candidate,

tion—swept into the convention breezily, with a large Northwestern following, hopeful of bringing commoners to oppose investors and the rich on a platform of partial repudiation, or so as to pay off all national obligations in “greenbacks,”<sup>1</sup> as “lawful money,” wherever a statute creating the debt had not distinctly promised coin. “One currency for the government and people, the laborer and office holder, the pensioner and soldier, the producer and the bondholder”—such was the cry already raised in the West against Eastern men, whose wealth was greater, for shifting the burdens of taxation, by no means for the last time nor after the only specious method. But when it came to the choice of candidates Pendleton could not command a two-thirds vote for President and the balloting for a nominee was prolonged. Andrew Johnson received some complimentary votes, as also did Thomas A. Hendricks of Indiana and General Winfield S. Hancock. After many votes had been taken without result—New York’s delegates inclining to a coalition for Chief Justice Chase—the convention by a final rally nominated Horatio Seymour, New York’s ex-Governor, on the twenty-second ballot, as though to draft him regardless of his wishes. As permanent chairman of this convention he had repeatedly declined such a nomination, but at last he yielded. With Francis P. Blair, Jr., for Vice-President the party ticket was completed.<sup>2</sup>

The greenback issue did not figure greatly in the campaign which now followed, but the personal standing of the two opposing chief candidates made the real test. Seymour’s war record was not pleasing to loyalists of the North;<sup>3</sup> and, likely enough, Democratic managers had put him forward, not seriously expecting to prevent Grant’s election, but so as to ensure thereby the great State of New York as a vantage ground for

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<sup>1</sup> A popular term for the legal-tender notes of the United States, because of their color. <sup>2</sup> VI. Rhodes, c. 34; newspapers.

<sup>3</sup> VI. Schouler, 417-419, as to the New York draft riot of 1863.

later party operations. In that limited effort they were successful. But for the electoral votes at large, results were different. Grant made no effort to bolster Union animosity against the South, like many of his party leaders, but his attitude was pacific and reconciling, and this was what our people wanted. They were tired of radical efforts at Southern exclusion and proscription; tired, too, of the long wrangle between Executive and Congress. Returning harmony of the sections lately in fratricidal strife, with reasonable assurance that freedom's fruits were secure, contented them. Grant had a gift of written expression in terse and telling phrases which thrilled the country, and one short sentence in his letter of acceptance—"Let us have peace"—made the real platform by which his ticket won at the polls. To such a platform the North stood ready to commit itself; and ex-Confederates, too, trusted in the magnanimity of their conqueror.<sup>1</sup>

Meanwhile, and before Congress adjourned towards the close of July, seven of the ten excluded States of the South—Arkansas, North Carolina, South Carolina, Louisiana, Georgia, Alabama and Florida—had been readmitted in season to participate in the Presidential canvass and

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<sup>1</sup> The text states this author's personal impression of the campaign from memory. But the Southern question—with violence against the negro charged, on one hand, and carpet-bag domination aided by the colored vote on the other, figured somewhat in the canvass. See VI. Rhodes, 179–192; and see next chapter.

The campaign of 1868 was in the general direction of harmony, and great hopes were entertained of Grant as a pacifier of the sections. Soon after his election vaudeville performances would introduce a pantomime tableau, one of which I witnessed at Washington. Two brothers were seen angrily contending, one in Union and the other in Confederate garb. The door of a wardrobe opened behind them, and an undersized man, with closely-trimmed beard, wearing a general's uniform and shoulder straps, stepped forth, whose likeness could not be mistaken. With cigar in his mouth he came forward to the two combatants, silently took the hand of each, and joined both in a mutual hand grasp, while the audience rose to their feet by one impulse and loudly applauded.

vote. Statutes to that effect were passed over the President's veto in June. As now reconstructed, these States seemed likely on the whole to work out Republican majorities and increase the electoral totals desired. They had, each and all, save for a difficulty in Georgia's legislature requiring a further discipline, accepted the new basis of full negro qualification at once for suffrage and office holding. As another prerequisite for readmission they had also each duly adopted the XIVth Amendment. Congress, in such readmission acts declared it fundamental as to each of these commonwealths that no later State constitution or constitutional amendment should ever deprive any class of its present constitutional rights.<sup>1</sup>

Three, however, of the ex-Confederate States were still left under the ban—Virginia, Mississippi and Texas—, their several processes being still incomplete when the two Houses adjourned. They remained for the present under military rule and none of them cast a Presidential vote or gained readmission to Congress during Johnson's term of office. Counting, however, the seven renovated States, the XIVth Amendment was proclaimed ratified in July, 1868; and, to leave no cavil in the official proclamation to that effect Congress declared specifically that this Amendment had now become part of the constitution.<sup>2</sup>

As long foreshadowed, the popular election of November, 1868, showed the Republican ticket of Grant and Colfax triumphant at the polls. Unitedly they carried 26 States with 214 electoral votes, while Seymour and Blair won but 8 States with 80 electoral votes. The popular majorities stood 3,015,071 for Republicans against 2,709,613 for the Democrats.<sup>3</sup>

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<sup>1</sup> Acts June 22, 25, 1868, U. S. Stats. at Large. For details see VI. Rhodes, 168-178. <sup>2</sup> VI. Rhodes, c. 34; U. S. Stats. at Large.

<sup>3</sup> VI. Rhodes, c. 34; Electoral Tables, Appendix. Though Seymour carried his own State of New York it was by a narrow margin—10,000 majority in a popular vote of 850,000. Because of the ejection of colored men from the legislature of Georgia, the vote of that State was objected to in the electoral count by Congress, February, 1869, and was consequently announced in the alternative.

Congress met in final session, December 7th. Elated with success at the polls they showed scant courtesy to the President's opening message. Johnson, "convinced against his will," reaffirmed his disbelief in all attempts to put the white inhabitants of the South under the domination of negroes, thereby destroying the friendly relations of the two races. With hardihood, moreover, he urged for the last time a repeal of the Tenure of Office act. As to that statute, however, it soon became known that the President-elect himself strongly wished its abolition on his own behalf, and the House in January, regardless of self-consistency, acted in compliance.<sup>1</sup> But the Senate deferred action, quite indisposed to lessen the hold it had gained under Johnson upon the patronage.

For the mantle of the dead Thaddeus Stevens various members contended in our popular branch, but no one could wear it with the assurance of that strenuous leader. At present Bingham and Butler were the chief contestants on the floor, but each was hindered, and the latter more especially, by a quarrelsome disposition which detached support. While the one was an able and effective speaker, sound of argument, the other surpassed in the daring which is allied to impudence, a nimble adroitness, and that ready wit and sarcasm which had made Stevens himself so formidable in debate. Of the two Butler was the more radically disposed, while Bingham's mood was conservative. Butler was already risking his party standing by a shiftiness on the greenback issue; and as to both of them abler and more trustworthy House leaders were in training for the next administration.<sup>2</sup>

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<sup>1</sup> Repeal was voted, January 11, 1869, by 121 to 47. Cong. Globe.

<sup>2</sup> "Ben" Butler was, in these years, the member of the House most gazed upon from above by casual visitors at the capitol. Easily recognized by his strabismus of vision, bald head and burly figure, he would, when not engaged in debate, move briskly about the aisles, looking towards the gallery. Butler greatly liked to be pointed out, whether in admiration, curiosity or disgust; and he made himself publicly conspicuous elsewhere by breaking rules, as though to dare remonstrance. I saw him repeatedly, when leaving the capitol for

The most, if not the only significant action taken by Congress at this final session was in proposing to the States a XVth Amendment, which forbade the denial or abridgment of one's right to vote because of race, color or previous condition of servitude. Such a fundamental change, with a hearty two-thirds assent in both Houses, aimed not so much to place new bonds upon the vanquished South as to nationalize, for the whole Union, essential terms already forced practically upon that section. Yet a difference remained in favor of the loyal States, to emphasize, perhaps, the eternal punishment of rebellion. This Amendment left each State to its own free discretion in extending or diminishing the suffrage, provided only that discrimination should apply to all races alike. Nor was an equal racial right to hold office here promised. In both respects a more imperative rule had been imposed upon ex-Confederate States, regardless of all local wishes; and hence, the adoption of this new Amendment by the Union at large presaged Southern changes in present political conditions by the time that States reunited should stand once more co-equal in privilege.

This third and final change of fundamental text, pro-

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his home in one of the little tram cars, drawn by a single horse, whose driver was the sole factotum for dealing with passengers, step out on the front platform with a cigar in his mouth, in double disregard of the printed rules posted inside. Notwithstanding this General's abusive tirades against the President and his restless energy in pushing impeachment, he attended the final New Year's reception at the White House, to the amazement of assembled callers. Johnson, suppressing his own feelings, accosted the intruder with bland politeness. *Welles's Diary*, January 2, 1869.

President Johnson wrote to Truman soon after the impeachment trial was over: "Butler is the most daring and unscrupulous demagogue I have ever known. But his services for the Union during the war can never be over-estimated." And he added a prediction which time verified: "As radical a Republican as he is, you will live to see him away over on the other side, and on all sides—remember what I say." *Century Magazine*, January, 1913, p. 440.

posed as the direct result of the Civil War, marks the flood tide of that impulsive benevolence towards all of God's human creation alike which had long surged at the North and at last swept away the old sectional safeguard of an industrial system irreconcilable with those maxims of the Declaration upon which American government and American independence itself were theoretically based. But how far was God's equal creation of mankind meant to include a racial equality in political as well as civil rights? Could a race freed suddenly from bondage and utterly uneducated be deemed, for voting, as capable at once as the intelligent and experienced of Anglo-Saxon lineage who had centuries of traditions in local self-government behind them? In abstract sentiment and phrasing to be sure, this Amendment was noble and sublimely democratic; yet the very breadth of its professed political sentiment lent a whisper of doubt. Those of African lineage were in the minds of its authors; but how with citizens of Chinese origin, equally within its literal scope, whose racial advent on the Pacific coast our white toilers of California and Oregon were already denouncing? And how with those red aborigines remaining on our western plains, of whom many white philanthropists believed, with the generals who pursued them to covert, that there was no good Indian but a dead one? White, black, yellow and copper-colored, on this continent, despite all fancied good feeling on our part, were far from fraternizing in this era, whether socially or politically, on equal terms. Yet the generous inspiration of that XVth Amendment may kindle the heart of a yet distant posterity to do equally discriminating justice to voters of every race or complexion.

In pardon and amnesty towards our defeated white brethren, President Johnson maintained his lead to the last. On Christmas day, 1868, he proclaimed a final forgiveness to all who had rebelled, so far as criminal penalty or prosecution went. But Congress, aided by the XIVth Amendment, still maintained its own jurisdiction over the political disqualifications, and pardon in such

respects came more slowly. Many at the North, like Greeley, who were liberally disposed, favored coupling "universal amnesty and universal suffrage" as the party policy of the future; but to this the dominant majority of Congress would not assent; and though special acts commanded from time to time the needful two-thirds vote of both Houses for relieving individual disabilities, all general amnesty in the political sense lingered.<sup>1</sup>

Our review of Andrew Johnson's administration should not close without some notice of his public achievements disconnected from the long and bitter conflict waged with Congress over Southern reconstruction. In the 1865-1869. latter respect he had, at least, enforced with honest fidelity acts which passed over his veto, much as he disliked them. But, apart from all such legislation, he and his Executive subordinates accomplished much good practical work, during a very difficult term of nearly four years, whose meed of praise posterity should not deny. As for his official use of the patronage it took less than four years after his retirement to realize, but more than forty to fairly acknowledge, that his example shone illustrious in comparison with that of his loudly welcomed successor. A disinterested devotion to the public welfare and freedom from all taint of family profit or advantage appeared at every point. The strongest searchlight thrown upon his public conduct by eager committees of Congress hostile to him and seeking cause of impeachment failed to reveal the slightest trace of corruption or malfeasance. He did not sweep nor attempt to sweep the offices for strengthening himself, and, because he would not do so, party Democrats took unkindly to him. The changes he made of public servants were moderate, and such, for the most part, as were either normal or forced upon him by circumstances. Vacancies he filled almost invariably with judicious substitutes—with incumbents rather elderly

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<sup>1</sup> VI. Rhodes, 201-204. Senator John B. Henderson bore the chief part in proposing the XVth Amendment.

and conservative, perhaps, yet honest, competent, and loyal upon their record. Congress humiliated him with the Tenure of Office act in needless dread or because members could not control the local patronage to suit themselves. Many admirable appointments by the President failed of confirmation out of spite and because Senators meant to thwart and annoy him.<sup>1</sup>

Some important posts the Senate left unfilled sooner than allow this hated Executive the renown of supplying a good incumbent. At a time when the Judiciary greatly needed reinforcement, Johnson was deprived of the opportunity to fill even an existing vacancy of importance. Justice Catron of the Supreme Court died, and to his place the President named Stanbery, his Attorney General, whose qualifications admitted of no dispute. But the Senate held up the appointment long enough for a statute to pass the two branches and become a law, which reduced by two the number of justices for the Supreme Court. This nullified Stanbery's appointment. Such a situation was not meant to last; for Grant had hardly been in the Presidential chair a month before a new statute restored the number of supreme justices once more to nine, besides providing judges in addition for the various circuits.<sup>2</sup>

No anger, no impulse of passionate vehemence was shown by President Johnson in changing official incumbents that history reveals. In only one instance does he seem to have made a vacancy in personal irritation: namely in 1867, the case of Motley, the historian, who was minister to Austria; and there he simply accepted with promptness a resignation pettishly tendered, and took the minister at his word instead of soothing. Motley was Sumner's special friend and disciple, and an American tourist complained from abroad, as a private citizen, that

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<sup>1</sup> Welles's *Diary, passim*.

<sup>2</sup> See VI. Rhodes, 267; Act April 10, 1869. See also Act July 23, 1866, approved by President Johnson. Stanbery was nominated in April, 1866.

this minister was expressing disgust with the President and comporting himself at his post somewhat after Sumner's own fashion. Transmitting this complaint the State Department asked not unnaturally an explanation; and Motley, while denying the charge, implied in his answer a right if not a disposition to censure. At the close of his despatch he offered to resign. When this reply was shown the President, he ordered the resignation accepted at once.<sup>1</sup> As a rule Johnson, at this time of life, weighed calmly and fairly the faults and merits of contemporaries, even of his persecutors.<sup>2</sup>

With skill confirmed by long experience in affairs Johnson proved himself a self-poised administrator of the nation, while heedful of advice. Taking the responsible guidance to himself he steered carefully, though at times hindered and hesitating in perplexing problems which beset him. In dealing with a cabinet well composed and for the most part harmonious in counsel, he encouraged each member to work out his own plans without interference, upholding him against cabals from outside, never intermeddling nor seeking to appropriate the prime glory of achievement to himself.<sup>3</sup> Even in vexatious relations with Stanton, he left him master of his own department while recognizing him as Secretary at all.<sup>4</sup>

Under such wise supervision each cabinet chief did well his duty for his country's fame and his own. With

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<sup>1</sup> In the Senate Sumner denounced the President's course in scathing terms, and besides calling for an investigation he prevented the confirmation of any one to his friend's vacancy while this President's term lasted. See Diary, Jan. 18, 19, Feb. 1, 1867; 2 John Bigelow's *Retrospections*, 634-648, where this "McCracken" incident is fully discussed.

<sup>2</sup> See *e. g.* letter of 1868 printed in *Century Magazine*, January, 1913, p. 439.

<sup>3</sup> For matters pertaining to department routine, Johnson left each chief usually to himself, unless the latter preferred to bring a subject into conference. *Men and Measures*, 369, 377, 386.

<sup>4</sup> *Welles's Diary, passim.*

Welles the essential labor was to reduce expenses and place our naval establishment on a peace footing. The War Department, after May, 1865, had duties similar, except for troops needful in the Southern occupation. Harlan and Browning of the Interior managed in turn the combined concerns of patents, lands and Indians, besides a pension business, enormously growing. Under Randall, the Postmaster General, and Dennison his predecessor, the increase of postal facilities abroad received attention, besides mail routes restored at the South and a new growth of business towards the Pacific coast. Speed, Stanbery and Evarts served capably in succession as Attorney General.

But the chief routine honors of this administration were due to the Secretaries of State and the Treasury, Seward and McCulloch. Seward exalted this administration and earned for himself a lasting renown by three notable feats of diplomacy: (1) In bringing French intervention to a close in Mexico while keeping our intercourse with France and Louis Napoleon unruffled.<sup>1</sup> (2) In acquiring Alaska from Russia by friendly purchase; thereby gaining new territory for this Union, at first seemingly desolate but proving immensely valuable, besides relieving this continent forever from the foothold of one of Europe's strongest powers, while confirming the Czar's good will. (3) In procuring that Johnson-Clarendon treaty with Great Britain which, though presently rejected by our Senate, made the entering wedge of in-

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<sup>1</sup> This accomplishment was all the more creditable, inasmuch as President Johnson sanctioned Seward's politic course in preference to that proposed by General Grant, who would have marched an army at once into Mexico to dislodge the French intruders and had actually ordered Sheridan to the Rio Grande border with that prospect in view. Welles's Diary, June 16, 1865; Men and Measures, 387; Dipl. Corr. Napoleon, more easily won by suave politeness than force, withdrew his troops by instalments in 1866 and early 1867 faster than he had agreed to do, convinced of his imperial failure on this continent. John Bigelow, our minister to France, rendered valuable service in this connection. See 2 Bigelow's Retrospections, c. s. 16-18.

demnity for the "Alabama" spoliations as arranged by the next administration.

No small share of the tactful diplomacy which secured Alaska's purchase was shown by Seward in gaining the consent of a Congress strongly hostile to this administration, both to confirming the treaty in the Senate and appropriating the money afterwards by a joint resolution.<sup>1</sup> Kind feeling towards Russia, whose minister had proposed the transfer, and whose Emperor had been our Union's firm friend through the Civil War, had its influence upon Congress in inducing the purchase of what many members then considered a vast wilderness of rocks and ice, barren and unproductive.<sup>2</sup>

Russian Alaska, like the Louisiana territory, came to the United States at the instance of a European emperor who wished to strengthen our domination of this continent while supplying his own money chest. By each purchase we gained an area which British Canada might have wished to absorb in rivalry. But, unlike all former

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<sup>1</sup> The treaty itself was drawn up at night in the State department, upon the formal sanction of terms by despatch from the Czar, which Baron Stoeckl, the Russian minister at Washington, had brought to Seward early in the evening; and, with Senator Sumner present on a summons, the document was signed at four in the morning of March 30, 1867. Before Sumner's committee in the course of the same forenoon the treaty was produced, with Sumner warmly urging its confirmation. In the House Thaddeus Stevens advocated appropriation for the purchase, aided by Banks, the House chairman of Foreign Affairs.

<sup>2</sup> It would appear that Baron Stoeckl's proposal to sell was hastened by a dispute over the American right to take fish in adjacent waters. Seward's Travels, 58. For a territory of 577,390 square miles the United States paid \$7,200,000 in gold. See William A. Dunning in 27 Political Science Quarterly, No. 3, for some interesting details as to the cost. Alaska was at first leased by our government to a private company engaged in furs, fish and Arctic products. American enterprise and exploitation have brought rich mines of gold and coal to view more recently. Since its purchase Alaska has already yielded, in fur, fish and gold, about \$150,000,000. 9 Halsey's Great Epochs, 105 (1912). See also VI. Rhodes, c. 35.

annexations on our part, this was not of adjacent but detached territory. Yet it was part of North America, and within those continental confines to which alone the expansion of our federo-national system, with its self-governing ideas, is safely and consistently limited. With such a restriction in view, expansion by peaceful purchase would have been carried into the West Indies at this time, had Congress permitted, relieving our continent of still another European sovereignty, though a lesser one, willing to retire. While Lincoln was alive Seward had opened negotiations for purchasing from Denmark the island of St. Thomas for a naval station, and after three years procured a cession of both the Danish islands St. Thomas and St. John, for \$7,500,000. The treaty failing of support in Congress, an extension of the compact was procured to October, 1869. Grant meanwhile succeeded Johnson in the Presidency; there was a new Secretary of State; Denmark had ratified, and an intelligent population in those islands prepared willingly to transfer their allegiance. Many friends of the new administration, including Admiral Porter, favored the annexation. But our Senate showed its indifference by allowing the extension to expire without even giving Denmark the grace of a notice.<sup>1</sup>

The Johnson-Clarendon convention with Great Britain was concluded at London, in January, 1869, between our minister, Reverdy Johnson (who, about five months earlier, had succeeded Charles Francis Adams on the latter's return home at his own request), and Lord Clarendon, the English Foreign Secretary. It provided for settling all claims since 1853 by commissioners of the two countries, with an umpire in case of disagreement. For various reasons, one of which was the effusiveness of good feeling

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<sup>1</sup> VI. Rhodes, 213; New York Nation, Oct., 1869. Denmark's turn for ungraciousness came recently. In 1902 a convention, signed at Washington, made complete cession of the Danish West Indies for \$5,000,000. It was approved by our Senate, but the Danish Rigsdag now declined to ratify and the purchase failed. J. B. Moore's American Development, 195 (1912).

which Johnson at the many banquets tendered to him mingled with diplomacy, as though waiving all apology for wrongs over which our people were sore, this treaty was doomed to disapproval in the Senate, though it was held over until Grant's administration.<sup>1</sup>

Secretary McCulloch's services to this administration and the country were those of a sound and conservative financier, unreservedly committed to sustaining the public credit and punctiliously meeting all obligations of the government according to the spirit of its contract. He proved himself honest and patriotic in all public dealings and wise in economies. All the great subordinates of the Treasury who had faithfully served under President Lincoln he kept in place and chose others to assist him who were men of probity and efficiency, first of all. Absorbed in facts, figures and the business of his department McCulloch had neither taste nor inclination to play politics with the patronage. For revenue officers in the South he chose ex-rebels who could be trusted in handling public funds, rather than confine himself to adventurers, nominally loyal, but likely to embezzle. But he was no reactionist. One who administers finance is brought into close dealings with men of capital, yet this Secretary was never subservient to wealth.<sup>2</sup>

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<sup>1</sup> See next c., Section 1: VI. Rhodes, 335-337.

<sup>2</sup> This Secretary's final report before retirement made a good showing. He had brought into manageable shape some \$13,000,000 of temporary loans, without producing a financial crisis or even disturbing the usual business of the country. He had reduced the public debt upwards of \$470,000,000 in the course of some three years and a half, and this, notwithstanding large advances made to the new Pacific railways and the cost of Alaska. With the important expert aid of David A. Wells, specially appointed to his department, McCulloch had devised plans for adjusting better the burdens of taxation. Anxious, furthermore, to reduce the volume of paper money in circulation he had made effort in that direction, with the consent of Congress; but business suffered under so drastic a purge and contraction was stopped by an act of early 1868. VI. Rhodes, c. 35.

Strenuous efforts were made at times by the Blair Democracy to have Seward and McCulloch removed from the cabinet; but Johnson firmly upheld them both. As to the Secretary of State an ignoble clinging to office had never been a failing on his part, and he tendered, in fact, his resignation on the 23d of August, 1867, in terms of cordial expression. That resignation was not accepted, and Seward's relations with this Executive continued friendly to the last.<sup>1</sup> McCulloch was charged by Democratic mischief-makers with a cunning duplicity in awarding the patronage of his department, and that charge he warmly refuted. We may well believe, as Attorney-General Stanbery wrote to the President in July, 1868, after his own sacrifice by the Senate, that the cabinet then existing had served Johnson faithfully and no advantage was apparent for a change.<sup>2</sup>

Grant's taciturnity, habitual to him, scarcely concealed the new pride and imperiousness he felt at the flattering <sup>1868-</sup> vote which elected him President and evinced the <sup>1869-</sup> homage of the people. His resentment hardened against the members of a closing administration that had dared to impugn his veracity. Even before he was nominated to the Presidency in 1868 he had become, from a neutral upon Johnson's removal from office by impeachment, its eager advocate.<sup>3</sup> And now he openly refused to

<sup>1</sup> See Johnson Ms.; VI. Rhodes, 69. The reasons for Seward's offer to resign are not disclosed; but probably these efforts of his enemies brought him to the point. In a letter to President Johnson, dated the next day, Montgomery Blair expressed the hope that Seward was going. Johnson Ms. August 24, 1867. See further, as to President Lincoln and the Senatorial cabal against Seward, VI. Schouler, 288.

<sup>2</sup> Johnson Ms.

<sup>3</sup> "Because he is such an infernal liar." Senator John B. Henderson in Century Magazine, December, 1912, p. 207. McCulloch also charges Grant with using his influence to effect a conviction. Men and Measures, 403. Contrast President Johnson's generous expressions in a letter of August 3, 1868, to Truman, while saying that "Grant has treated me badly." Century Magazine, January, 1913, p. 439.

attend a dinner given in New York to which he was invited, should Welles, Randall or McCulloch be present.<sup>1</sup> When, not long after, Andrew Johnson's sixtieth birthday was observed at the White House, December 29, by a juvenile party given for his young grandchildren, and invitations were sent to Grant's children with the rest, the President-elect would not let them go.<sup>2</sup> The New Year's reception of 1869 next followed, when army and navy officers make ceremonious call habitually upon the Executive; and on this occasion Grant, still General in command, made himself conspicuously absent. Finally, as inauguration day approached, he had it announced through the press that he refused to ride <sup>1869, March.</sup> to the capitol in the same carriage with the retiring President.

Of Johnson personally McCulloch has written: "He never cherished animosity after a contest was over."<sup>3</sup> In contrast to his fellow-loyalist Brownlow, his attitude toward the fallen foes of his own section should confirm that opinion. In the juvenile party invitation was meant, perhaps, an overture to Grant of returning friendliness. But, whatever his feelings over the repeated slights now put upon him, Johnson suppressed all show of emotion. The 4th of March arrived. The President did not go to Capitol Hill, in the forenoon, as customary, to sign the last bills, but had them brought to him at the White House. Seward and Evarts of the cabinet, eager that public appearances should be kept up as far as possible—for at high noon, this day, not only would a President be sworn in as Johnson's successor but a new Congress would meet and organize in both branches, an unwonted spectacle—, proposed that Johnson with his cabinet should attend the inaugural ceremonies in their own carriages. The President was non-committal, hoping, perhaps, though in vain, that some correction of the affront

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<sup>1</sup> Welles's Diary.

<sup>2</sup> Diary, Dec., 1868.

<sup>3</sup> Men and Measures, 405.

would reach him at the last moment. The clock struck twelve and the carriages were announced at the door. "I think," said Johnson quietly, "we will finish our work by ourselves"; and, shaking hands with his counsellors, he entered his carriage and was driven from the White House to join his family as a private citizen at their temporary abode. In short, this President followed the example of the two Adamses, however reluctantly, in absenting himself from the induction ceremonies of a successor.<sup>1</sup>

Remaining in Washington long enough to make a private visit and take a leisurely leave of friends, Johnson with his family began on the 18th of March the return journey to Tennessee. Before doing so, however, he issued a farewell address to the people, those bosom friends of his constant choice, justifying and upholding the conduct of his Presidency. Northern presses, as in duty bound, met that document with ridicule, but the fairest among them conceded that some points in it were well stated.

Of those cabinet advisers who left office together with Andrew Johnson on the 4th of March, or had ever served under him, two only, McCulloch and Evarts, were ever seen again at the council table of the White House, each retaining still his Republican standing. Neither Browning nor Randall ever again held public office or took an active part in politics. Nor did Gideon Welles, whose sympathies henceforth were Democratic and opposed to Grant; he went back presently to Hartford, rather than make Washington his permanent home, as his friend, Montgomery Blair, had advised. General Schofield, who had hailed Grant for President as a loyal fellow-soldier, took details henceforth upon purely military duties. For Seward retirement was cheerfully accepted as a final ending to a long and laborious career of public service; and, lest rest should mean rust, he presently took a tour of the world, crossing first to the Orient by the Pacific

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<sup>1</sup> Welles's Diary, March 4, 1869.

ocean, with his family party. In Asia, northern Africa and Europe he received notable attentions as an illustrious American citizen. Passing a quiet year at home after his return he died at Auburn in October, 1872, cheerful and optimistic to the last.<sup>1</sup>

However disheartening might have been the general attitude of the country towards Johnson when he left the Presidential office, his own Tennessee remained true to the last. When, a few months after he reached home, that State threw off the Brownlow vindictiveness and went conservative at the polls by a large majority our <sup>1869-</sup><sub>1875.</sub> whole people were startled by the likelihood that its legislature would send Andrew Johnson back to sit at once among the Senators who had voted for his impeachment and renew discussion, if he chose, with his whilom Secretary *ad interim* now installed at the White House. Pressure was brought to bear from Washington to avert such a situation; and by "an infamous combination," as his personal friends styled it, the ex-President was barely defeated and a Tennessee neutral was sent to the Senate in his stead.<sup>2</sup> But Johnson steadily increased his hold upon the affections of the State he had served so long and faithfully. Another opportunity occurred; and in January, 1875, Tennessee's legislature chose him a

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<sup>1</sup> See Seward's Travels around the World, edited by his adopted daughter, Olive Risley Seward, and published in 1873. In a public eulogy delivered that year before the New York legislature, Charles Francis Adams praised the deceased statesman as one who had saved the nation by his judicious management of the Trent affair, and otherwise exalted his services in the Civil War. That tribute called forth a bitter publication from Blair and Welles; as survivors of President Lincoln's cabinet, they claimed that the oration disparaged Lincoln for the laudation of his premier. See "Lincoln and Seward," a book made up chiefly of magazine articles written by Welles, to which Blair contributed an estimate vitriolic to the last degree. This joint diatribe seems to have been less on Lincoln's behalf than for belittling to posterity the Secretary of State, a colleague they had strongly antagonized.

<sup>2</sup> Johnson Ms. Johnson lost by two votes. Am. Cyclopedias, 1869.

Senator to Congress—the only instance, hitherto, in American annals where an ex-President has gained such a call from retirement, though the long and splendid service of John Quincy Adams in the House is familiar. Such honors came too late in Johnson's case for a renewed career. His sands of life were nearly run out; and, though sworn in at Washington to take his seat for a brief executive session in March, he died during the summer, July 30, 1875, shortly after returning home.

This much maligned Executive was, on the whole, hard to comprehend and his record presents aspects contradictory. I think of Andrew Johnson as of a strong and sturdy pine in the forest, which has grown up distorted by some rocky obstruction, twisted out of shape and crooked in trunk, and yet vigorous at the core. He was stubborn in political opinions where he thought himself right, defiant, ready to fight for them; yet those opinions were just, enlightened, and such as only a sound and independent statesman could have formed. Congress wished in that promoted Vice President a compliant Executive and found a constructive one instead. "No one that knew anything of his history," writes McCulloch, "could doubt Andrew Johnson's ability." "He was brave, honest, truthful. He never shrank from danger, disregarded an engagement, or was unfaithful to his pledges. His devotion to the Union was a passion. There was no sacrifice he would not make for it, no peril he would not encounter in its defence."<sup>1</sup>

A combatant by temperament and largely wanting in those delicate arts of tactful management which ensure co-operation, this President created difficulties for himself at every step, while trying to carry out ideas often of themselves sound and useful. "Naturally distrustful," observes McCulloch, "he gave his confidence reluctantly—never without reserve; he had therefore, few constant friends." Yet of his generosity of heart and his magnanim-

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<sup>1</sup> Men and Measures, 405-407.

ity and forbearance towards those who had injured him he gave many proofs.<sup>1</sup>

Johnson, as McCulloch further states, was a kind and helpful neighbor, a tender and indulgent father. He was proud of his daughters and had reason to be; for they were devoted to him; "and more sensible, unpretending women were never in the White House."<sup>2</sup> At this period of life he was scrupulously neat in person and attire, cared little for theatricals, concerts or other social amusements, preferring to remain quietly at home in the evenings; he looked on all kinds of gambling as wrong and was never present at a horse race.<sup>3</sup>

Welles closes his Diary record of Johnson's administration with these impressive words: "Transient are the deeds of men and often sadly perverted and misunderstood."<sup>4</sup> Such a comment, though well founded in human experience, we should not wish to rest upon; but rather, if we may, to rescue each great exemplar from obloquy and place him upon his just plane of historical merit before the coming age.

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<sup>1</sup> Men and Measures, 405.

<sup>2</sup> *Ib.*, 406. His son, Robert, who aided him at the White House, died in April, 1869. See also Welles, *supra*, p. 9.

<sup>3</sup> Truman in Century Magazine, January, 1913, p. 436.

<sup>4</sup> Diary, April 17, 1869.

## CHAPTER II.

### FIRST ADMINISTRATION OF ULYSSES S. GRANT.

#### PERIOD OF FORTY-FIRST CONGRESS.

March 4, 1869—March 4, 1871.

#### PERIOD OF FORTY-SECOND CONGRESS.

March 4, 1871.—March 4, 1873.

### SECTION I.

#### A DISAPPOINTING OUTSET.

Rarely in these days does an American stand in presence of a fellow-mortals with a mingled sense of awe, gratitude and admiration. I never had that feeling but once and that was in young and susceptible manhood. And the object of my reverential emotion was General <sup>1868.</sup> Grant, then at his army headquarters in Washington, a few weeks before he was nominated President.<sup>1</sup> For such a mingled impression appropriate surroundings are needful, and the person of exalted rank should give an audience, an interview, where some favor is sought which he is at liberty to grant or refuse. His manner should be gracious but not familiar, evincing superior power and rank. His decision should be prompt and propitious after listening to the petition; the touch of a bell, a whispered mandate to some attendant who answers the summons, and the thing desired is done. If, as in this instance, the hero is of calm and impassive, yet patient bearing, ready to listen, slow to speak, plainly disposed to

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<sup>1</sup> The occasion was a professional call, in company with George S. Boutwell, then a member of the House, on behalf of one of his constituents.

do what is just and kindly and yet not to be imposed upon, if he maintains a natural reserve throughout the interview, neither haughty in manner nor ingratiating, betraying not the slightest effort to elicit expressions of gratitude—, all the more striking is the impression he produces, since it differs so greatly from the manners of most public men we encounter.

Such was Grant, upon a civilian's first interview with him in 1868, as he sat at his desk up-stairs in a private office, while a miscellaneous throng waited below for admittance in his main reception room, where members of his staff sifted the business which had brought them. Often as I saw him, during the eight eventful years of his Presidency which followed later, that feeling of affectionate reverence towards him on this earliest occasion failed of renewal. Perhaps the military undress suit which he wore when I then saw him, but not afterwards, enhanced the atmosphere of distinction. Any warrior of renown who exchanges the uniform of his calling for the conventional garb of a civilian loses much of the impressive aspect. Kings and potentates of earlier times well understood the effect of ermine robes, crowns, sceptres and a glittering retinue, for drawing the general homage; nor were our own forefathers, a few generations back, averse to spectacular distinctions of dress and make-up, such as dissociated rank and station from the common herd. All government, however, which depends upon public opinion and the popular ballot becomes levelling in its manifestations, and our modern civilized life tends to a common costume, while the self-conscious effort to make friends and votes more and more detracts from the dignity of official reserve once prevalent.

At all events, be the military commander we idolize great in stature, like Washington or Wellington, or of undersize, like Napoleon, "the little Corporal," or Grant himself, we worship him as one physically unlike the average. Yet somehow Grant, the General, as first beheld in military dress, appeared to me quite a different person from Grant the President, rigged out at a ball in white tie

and regulation black suit, or when seen standing alone in early dusk at the White House gate, with glossy top hat, smoking a fragrant cigar.

Something of that earlier illusion which Grant's splendid war record had created in the minds of his fellow-citizens when they spontaneously exalted him to the Presidential chair began to disappear as his actual administration of <sup>1869,</sup> that difficult office was disclosed. Welles, with <sup>March,</sup> jaundiced eye and yet ample chance for observation, had already set down this idol of the people as one ignorant of the simplest rules of constitutional government and stupidly indisposed to receive instruction.<sup>1</sup> And, dismissing all prejudice save that in his favor, we may fairly conclude that Grant entered upon his supreme Executive career, honest, well-meaning and patriotic beyond question, and yet without delicate perceptions of official duty and example and with something of a disposition to play the potentate. Like Washington, with whom so many of us had associated him, he was a man of reserved speech on whom a grateful country leaned. Yet, in his brief inaugural address, he showed self-confidence, and none of that tremulous anxiety, that shrinking dread of disappointing fond hopes, such as Washington had shown when sworn into that same office.<sup>2</sup> And with equal self-confidence, on the day following his induction, he sent to the Senate for confirmation a cabinet list which he had made up with the secrecy of a commander-in-chief about to conduct a military campaign, neither

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<sup>1</sup> Diary, Dec. 12, 1868. "Horse flesh has more charms for him than brains or intellect. . . . He loves money, admires wealth, is fond of power and ready to use it remorselessly. . . . He does not intend to labor like a drudge in office, does not propose to study public affairs, has no taste for books or intellectual employment." *Ib.*

<sup>2</sup> The purpose Grant expressed, in this inaugural address, was to conduct affairs for the public good, without favor or partiality, and to have no policy against the will of the people. This gave great satisfaction. "The responsibilities of the position I feel," said he, "but accept them without fear." VI. Rhodes, 236.

political party leaders nor public sentiment having been consulted by him in advance.

That cabinet list gave to our expectant country its first pang of disappointment over this new administration. Elihu B. Washburne of Illinois was named for Secretary of State; Alexander T. Stewart of New York for Secretary of the Treasury; General John A. Rawlins for the War and Adolph E. Borie of Pennsylvania for the Navy Department; Jacob D. Cox of Ohio for Secretary of the Interior; E. Rockwood Hoar of Massachusetts for Attorney General, and John A. J. Creswell of Maryland for Postmaster General.

To citizens of independent politics Cox and Hoar were highly acceptable; the one a gallant soldier who had just served his State as Governor; the other an incumbent of the Supreme bench of Massachusetts, a well-trained lawyer and a man of sturdy Puritan stock, though but little known in national politics. Creswell, too, who had served in Congress, filled expectation fairly as a border-State representative in the Cabinet. But in the other four appointments Grant had clearly made favoritism paramount. Borie was a rich Philadelphian, of whom little was known except that he had subscribed handsomely towards a house lately given to the President-elect. Both Washburne and Rawlins had been Grant's fellow-townsman of Galena, whose friendship was strongly identified with his military rise; and while Rawlins, though scarcely known to the public, could be vouched for as strongly influential for good with the commander on whose staff he had long served, Washburne was too well known for Congress to feel confidence in him for premier. Long a useful member of the House for routine business, he had shown no aptitude for that higher and broader range of statesmanship in international dealings which the State Department exacts, nor was he the right kind of man for an inexperienced Chief Executive like Grant to lean upon for advice. Lastly, Stewart, whose administrative skill for the Treasury no one could doubt, in view of the immense retail es-

tablishment he had built up for himself, not only had a private stake against the government as chief importer at the New York custom house, but had lately put down his name for \$65,000 for bestowal upon the President-elect, as though to invite an appointment.<sup>1</sup>

Despite all misgivings, the Senate promptly confirmed the whole list. But, two days after, Stewart was found ineligible for his post, since the act of 1789, which created the Treasury department, forbade that any one directly or indirectly concerned in carrying on trade or commerce should be its Secretary. Upon this discovery President Grant asked Congress to except him specially from the operation of that act; but unanimous consent for introducing a joint resolve to that effect could not be had in the Senate and Stewart, unwilling to wholly relinquish his business, withdrew.<sup>2</sup> To the vacancy succeeded George S. Boutwell and his nomination was gladly confirmed; for zealous and faithful in every public task committed to him and of unblemished personal character Boutwell supplied, besides, a desired link to join Grant with the stalwart Republicans who had named him for the Presidency. Washburne, conscious of his own shortcomings for Secretary of State, treated his selection as a mere compliment and, resigning speedily to accept the mission to France, made a second cabinet vacancy, which Grant supplied by naming Hamilton Fish of New York. This, too, was an admirable selection which the Senate confirmed with promptness. A governor of his State in old Whig times who had served also in both branches of Congress, Fish, as a conservative in present politics, might fairly offset in council his party colleague of the Treasury, while as a man of affluence and high social position, blessed with a gracious and accomplished wife, he was sure to give a courtly tone to official hospitalities. Both he and Boutwell

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<sup>1</sup> N. Y. Nation, March 15, 1869.

<sup>2</sup> He was disposed to sequester his profits in trust for charitable uses while serving as Secretary, but this was pronounced an insufficient compliance with the statute.

accepted their present posts with reluctance—the one inclining at this stage of life to travel and leisure, and the other preferring to remain in Congress. But the new administration profited by such sacrifice of inclination, and on the whole Grant's cabinet as now made up was a good one. It was not destined, however, to remain long unchanged.<sup>1</sup>

Under the short-lived act of 1867<sup>2</sup> Congress, for the first and only time in our annals, had convened in both branches on inauguration day. James G. Blaine, henceforth a recognized champion of the Republican faith, <sup>March,</sup> was chosen Speaker of the House, while Schuyler <sup>April,</sup> Colfax, now Vice-President, transferred his presence and authority to the Senate Chamber. The two branches remained in joint session until April 10 and then adjourned to December; the Senate lingering longer for a special Executive session which closed April 22.

The earliest enactment under this administration was that of March 18, for strengthening the public credit. Conformably to the Republican platform and Grant's inaugural exhortation it pledged government to the payment "in coin or its equivalent" of all outstanding bonds and notes, unless specifically issued as payable in a different currency. This act, which passed by decisive majorities in both Houses, was the first to which President Grant set an official signature.<sup>3</sup>

A repeal of the Tenure of Office act, Grant now insisted upon; holding back the lesser appointments at his disposal until his wish in that respect should be complied with. By more than three to one the House voted in compliance; and the Senate which had deferred action in the previous Congress, was now compelled to meet the issue openly. Unwilling to give up its new authority, that body refused concurrence; but, after much effort, a compromise was reached in conference whereby President

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<sup>1</sup> VI Rhodes, c. 36.

<sup>2</sup> *Supra*, p. 89.

<sup>3</sup> Act March 18, 1869; VI. Rhodes, 241, 242.

and Senate might drive a bargain together in case of future difficulties; while the former became relieved from stating deferentially his reasons for displacement.<sup>1</sup>

Now ensued a pell-mell scramble for the national offices, whose aggregate had increased prodigiously in course of April—October. the late Civil War. In vain had Jenckes of Rhode Island sought to interest fellow-members of the House in a reform bill for the civil service which he had prepared and brought forward, supposing the new Executive in sympathy with such a policy. For most of the dominant Republicans in Congress were now seen ravenously intent upon soliciting patronage for their cormorant friends and constituents and becoming in effect office brokers or principals for the party plunder now open to distribution. It was by no means an exaggerated estimate which figured 45,000 national offices at public disposal, with 400,000 applicants eager to fill them. The spoilsman's axes glittered in air and fell upon the entrance doors far or near; the sweeping machine—for a mere broom could no longer serve for pictorial expression—pursued its ruthless course; and the great administration party of the Union, coherent by success, presented a host of candidates pushing and struggling to settle upon the public for a living. It was not so much that Republicans already in place, appointees for the most part under President Lincoln, were tinctured, perchance, with Johnsonism, as that *post bellum* converts to the party faith, discharged soldiers and a younger breed of politicians were now added to the primitive exponents of moral ideas, equally zealous in present rivalry to profit by the rule of rotation.

In the flood of appointments which had deluged the Senate for confirmation were some of conspicuous merit.

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<sup>1</sup> Act April 5, 1869. President Grant, though signing his approval of this bill, was dissatisfied, and asked in December, for a total repeal. But the statute stood unchanged until 1887, when a Democratic administration came into power and new practical difficulties induced a final repeal. VI. Rhodes, 245.

Motley, through Sumner's friendship, gained now the exalted mission to London as a consolation prize for his recent grief at Vienna;<sup>1</sup> though, strangely enough, that friendship involved him soon in a second and worse humiliation under this new President than he had undergone already. Washburne, as we have seen, went to France, where, among the stirring scenes of the Franco-German war which soon broke out, he acquitted himself with much honor under the many delicate duties which devolved upon him. John Jay was made minister to Austria; Bancroft remained in Prussia and George P. Marsh in Italy. Ex-Governor Curtin went to Russia, and, after some obstacles to his confirmation, General Sickles, with less applause, took the place of John P. Hale in Spain.

Grant's new diplomatic list, inclusive of secretaries and consuls, showed a fairly clean sweep of those placed abroad by the lamented Lincoln and retained for the most part by his next successor, and as a whole the change was not an improvement. But here, as in the more available offices at home, it was remarked, that ex-Congressmen of the dominant party found peculiar favor with this President. Nearly every Republican of the two Houses who had failed of re-election gained, in fact, a berth somewhere, though many had been defeated for good reasons. But editors who had worked hard for the hero's promotion were mostly disregarded.<sup>2</sup> As with the higher offices, so with the lesser ones, Executive departments were busy, all summer, in weeding out and supplanting subordinates. Each new collector at a leading port was importuned for jobs and sinecures, and so were the chief postmasters. And now presses of high ideals, exultant at first over Grant's accession, began to hedge in their comments. "Let's be patient and not find fault," was the *Nation's* first advice in May. But by September, while still a defender of the President, that press was forced to admit "with shame and regret," that Grant's administration had "not only made bad appointments, but probably

<sup>1</sup> *Supra*, p. 132.

<sup>2</sup> *N. Y. Nation*, April 15 & 29, 1869.

some of the worst ever made by a civilized Christian government.”<sup>1</sup>

A more painful feature of the situation was disclosed which could not escape censure. Anxious to establish his family in ease, long harassed by poverty before the war and a hard struggle for the means of existence, Grant had lately been led to admire and cultivate the rich who now sought his acquaintance. Viewing, moreover, his consummate military service to the Union in its professional aspect, as he might well have done had he remained simply our ranking general, his mind dwelt upon the solid rewards which England had bestowed upon her Marlborough and Wellington, and he deemed himself a fair recipient of gifts from his fellow-citizens. Hence, with heedless disregard for what was most becoming in a Chief Executive chosen to serve the whole people, he had accepted private donations of one kind or another, while President-elect, which laid him under obligations to individuals.<sup>2</sup> Despite his imperturbable demeanor, Grant had a grateful heart and so, in returning favors, was less regardful of appearances and personal example than he should have been.

Moreover, it soon was clear that, in his use of the public patronage, this President inclined to bestow lucrative posts upon those of his own family by blood or affinity. In fact, his record of nepotism, as made up by 1872, was an unusual one for our politics. Grant's father retained a postmastership in Kentucky. His eldest son was entered at West Point—which was well enough, had not the young cadet been allowed special privileges at graduation above his classmates. Of brothers-in-law, one became collector at New Orleans, another found a good berth at San Francisco, while a third gained by promotion abroad an important diplomatic post without claim of special merit. To a fourth, a speculator in New York City, I

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<sup>1</sup> N. Y. Nation, May 6, September 16, 1869, etc.

<sup>2</sup> See Cabinet appointments referred to *supra*, p. 147.

shall refer presently. Two brothers of the President's wife figured in Washington during these earlier years—General Dent, an amiable man, on duty at the White House, and Judge Louis Dent, who came upon the scene to pursue a shady practice about the lobbies and committee rooms of the capitol. Whether placed thus by the President of his own free choice or imposed by their own importunity, Grant suffered by their conspicuousness in the estimation of the public.

Indeed, such early example of gift-taking and favoritism disappointed extremely and widened its baneful influence to the outer circumference of public authority. Corrupt and corrupting citizens, of whom there were many at this time and are at all times, in and out of official life, saw quickly and took advantage of the weak spot disclosed in one hitherto thought invulnerable. Members of Congress of vicious tenets or suspected morals, men against whom Grant's inaugural speech seemed pointed, began at once to gain a hold upon this President's confidence and to become his special advocates in debate and legislation. Scoundrelly jobbers, railroad-wreckers and money-makers laid snares and began the smooth approach for opportunities; too wary to offer direct bribes to one who would have indignantly spurned them, but sounding insidious ways into his regard by gifts and flattering attentions to those nearest him. To endanger the situation still more, this President surrounded himself with young staff officers who took up ante-room and amanuensis duties at the White House, guarding the audience approaches as they had done at his army headquarters. They messed together, discussed together, and held relations of special confidence with their commander. Not all of that conclave were proof against temptation. They did not, like Jackson's famous kitchen cabinet, exalt their chief politically, for of politics they knew little; but they were felt a constant annoyance to civilians and older men who had business to transact at the White House.

And, once more, since our hero found himself indulged so freely at the capitol in the lesser appointments which

came nearest home he could not but be easy-going over political offices which party Congressmen wanted in return. And thus a double impulse was given to letting down the bars of decorum in that dispensation of the patronage which in less than six months of this much hoped-for administration brought it into such wide discredit.

With two of his brothers-in-law our President was forced to make an issue, during these early months, where they had lent themselves to deeper schemers who reached for his official influence. One of these was Judge Dent,

<sup>June—September.</sup> whom the Conservatives of Mississippi soon put forward as their candidate for governor against the Radicals, in the hope of a White House support; and here Grant had to make open announcement that his own preference went to the other candidates, in harmony with Congress; notwithstanding which, Dent, whose residence in one State or another mattered little to himself, kept zealously on with his personal canvass, but failed of election.<sup>1</sup> The other was A. R. Corbin of New York City, who had married Grant's sister Jane and had social relations with those financial partners in iniquity, notorious at this time in Wall Street, James Fisk and Jay Gould. Brought, through Corbin, while on a summer tour northward, into friendly intercourse with the upstart reprobates of wealth, Grant was persuaded by Jay Gould to aid a "corner" in gold which he was forming in combination with the brother-in-law, by ordering the usual monthly sales of the Treasury suspended; Gould having advanced a theory that by such a course the sale of American bread-stuffs abroad, when the crops were moved, would be promoted. But Secretary Boutwell, who studied keenly the situation for himself and saw the gathering distress of honest business as this clique forced gold upward from its normal figures for greedy gain, brought the President, towards the close of September, to his own views; and unloading the metal of government upon the public

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<sup>1</sup> VI. Rhodes, 246.

market by Presidential permission at the critical moment he forced rates down again to their proper standard, and shivered the malign conspiracy to atoms.<sup>1</sup>

The popular revulsion over scandalous official revelations, imperfectly understood, was shown in various State elections of this autumn. Though Ohio and Pennsylvania by a light vote continued Republican, New Jersey kept steadfast to the Democrats, whose party in New York now became fully restored to power for the first time in fifteen years, the immediate contest, however, turning upon minor State offices only. In some of the Northern States the election went nominally upon the issue of licensing or prohibiting liquor.<sup>2</sup>

Two changes in Grant's cabinet had meanwhile occurred. Borie resigned in June, assigning ill health and the demands of private business as his reasons; Rawlins died early in September. To their vacant places were assigned George M. Robeson of New Jersey as Secretary of the Navy and William W. Belknap of Iowa as Secretary of War. Both these men were well spoken of; the one as an able lawyer and attorney general of his State, the other as a volunteer officer who had served acceptably in the Civil War and was since a collector of internal revenue. But neither brought political strength to the administration nor was nationally known.<sup>2</sup>

A pleasing incident of May this year, had been the completion of our transcontinental railroad to San Francisco and the Pacific slope, an achievement long desired and delayed. The Union Pacific railroad pushing westward, and the Central Pacific of California eastward, their termination, fixed by statute at Promon-

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<sup>1</sup> For a full narrative of the "Black Friday" episode see VI. Rhodes, 247-257, with citations. Corbin was protected from loss by Gould, who, gaining timely knowledge of the new move resolved upon by government, saved himself from disaster, while Fisk threw his own losses upon his brokers. See also I. Andrews's *Quarter-Century*, 40-45.

<sup>2</sup> Newspapers of the day.

tory Point, near Ogden, was reached the present month: and there, on the 10th, among wilderness surroundings and in presence of a motley company, including railroad magnates from the Atlantic and Pacific slopes, workmen of Chinese or Caucasian nativity, and a Mormon delegation of Utah, ties were laid over a short intervening space, and the iron rails joined; the last spike, a golden one, being driven by the sledge hammer, while each blow was simultaneously recorded by telegraph east and west. The event was joyfully observed in many of our chief cities: Chicago celebrated with a procession seven miles long; New York City with a salute of one hundred guns and a Thanksgiving service at Trinity Church; Philadelphia with pealing notes from the old liberty bell. And thus was ushered in the first iron ligature which ever bound together the two ocean coasts of this continent—an accomplishment by no means the least for our people in the annals of the nineteenth century.<sup>1</sup>

## SECTION II.

### FINANCE AND FOREIGN EFFORTS.

George S. Boutwell, Grant's Secretary of the Treasury during his first term, was a man of activities large and diversified in the course of a long career. When <sup>1869-</sup> <sub>1873.</sub> not occupying an exalted post in Massachusetts or at Washington he was content to take up some less conspicuous task under government, always industrious and faithful however occupied. But his grandest years were his last, when, withdrawn from public service altogether, at the age of four-score or more, he opposed with persistent energy our new experiment of imperialism in the Philippines, a forceful advocate and organizer among private fellow-citizens in the cause of human rights and self-rule, the world over, until his thread of life was sundered.

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<sup>1</sup> Newspapers; John P. Davis's narrative in 9 Halsey's Great Epochs, 122.

At this present stage of his career, and while in the prime of health and manhood, Boutwell was a radical Republican, bigoted in his politics and a devout believer that all public patronage and emolument should be confined to those of his strict party faith. But among subordinates of his own political creed he preferred to employ the honest and efficient rather than the shiftless and vicious, though yielding somewhat to the evil influences of fellow partisans less scrupulous than himself. In dealing with the finances of the nation Boutwell showed himself a good administrator, exact and punctilious, an economizer in matters both public and private who could make ends meet, and one of personal integrity unquestioned and unquestionable. A strong believer in honor and good faith towards the public creditors, and fortified by the statute assertion of such a policy, he followed closely in the footsteps of his predecessor, McCulloch, though with better means and opportunity for pursuing the course of rectitude.<sup>1</sup> And now that the public coffers overflowed, he introduced at once two new features of department policy, both praiseworthy: (1) clear and comprehensive statements of the Treasury condition were published monthly; (2) with the surplus gold bonds were bought in the market, so that the aggregate debt of the Union became practically reduced in advance of contract dates for redemption. He even undertook to enhance the public credit and confidence by paying registered and coupon interest before it fell due, but to this practice there were objections.

In giving notice in advance that he meant to come into the market at stated times to buy gold, this Secretary gave further proof of his disposition to take the public

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<sup>1</sup> During the open discussions of 1868 President Johnson broached a plan of his own for compromising with the creditors of war times. But none of his cabinet yielded support to his scheme, and it attracted little or no attention from the public. Both Welles and McCulloch disapproved and regretted, and the President seems to have made no effort to convert them to his views.

into confidence, and give steadiness to business. His departure somewhat from such a course on the "Black Friday" occasion, so as to break up the ring of gold gamblers who paralyzed trade for their own greedy gain, evinced the tremendous power our Treasury could exert in those days were it so disposed; and the fact that we had a Secretary wise, courageous and never scheming for personal enrichment, proved of inestimable worth to this administration. Boutwell would have bought up greenbacks with some of his metallic overflow, thereby reducing the enormous mass of paper currency still in circulation; but McCulloch's former experiment in that direction had not been assuring; and fearing a contraction distressful to the market Congress withheld its consent. But the aggregate of national debt decreased rapidly in these four important years and this Secretary's reports, while he remained in office, made a good showing.<sup>1</sup>

Government bonds fell due at later dates specified, while this paper currency, if due at all, was due and over-due already. How, if ever, to return to specie payments, as before the war, was a problem much discussed at this time. A "gradual" but "not sudden" resumption was recommended in one of the President's first messages. Yet our distant Pacific States, close to the mines of precious metals, had kept to a specie basis in private business all through the Civil War, by the expedient of coin contracts, all greenbacks being treated at a depreciated

1869. worth. These specific contracts the Supreme

Court now upheld as lawful and effectual; and the rumor spread that it would next pronounce the legal-tender acts unconstitutional, or at most as valid only in an immediate extremity of national distress and peril such as the Union had lately experienced.<sup>2</sup>

That rumor was not without foundation. As though to force an immediate resumption of specie payments, so

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<sup>1</sup> VI. Rhodes, 257, 258; newspapers.

<sup>2</sup> N. Y. Nation, November 25, 1869.

far as the original act of 1862 was concerned, our highest tribunal of justice so often invoked with its process by suitors opposed to a contemporaneous policy, rendered a decision adverse to a legal tender currency in <sup>1870,</sup> February, 1870. <sup>Feb. 7.</sup> The court was divided; and Chief Justice Chase, in pronouncing the opinion of the majority, frankly renounced the views he had held, when, as Secretary of the Treasury, he had recommended the creation of such a currency. Of the dissenting justices Samuel F. Miller delivered the opinion—an able and vigorous incumbent, who recalled the famous Story both in legal diversions and worthiness of a judicial promotion never attained. The main question here was whether a clear prohibition to the States expressed in our written charter of government extended in effect to the United States. The majority of the court, upholding the spirit of the text, ruled that it did; but the minority, regarding the strict letter of the constitution, maintained that it did not.<sup>1</sup>

When the court reached that decision, the last of the November previous, four justices sided with Chase—Nelson, Clifford, Grier and Field; but before the opinion was pronounced, Grier had resigned. By an act of Congress, passed while Johnson was President, the number of justices in this tribunal was reduced from nine to seven; and by an act of 1869 it was increased to nine again.<sup>2</sup> When the latter act took effect in December, 1869, there were two vacancies in the court, caused by the death of Wayne of Georgia, a Union loyalist, and Grier's resignation. For one vacancy President Grant named Hoar, his Attorney General, and for the other Stanton. Stanton was at once confirmed but died a few days after, a shattered wreck of his former self; but Hoar, whose nomination went over the recess, was rejected February 3, 1870. Two vacancies in the Supreme Court were unfilled in consequence, when the Legal Tender decision was rendered; and on that same 7th of February the President nomi-

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<sup>1</sup> Hepburn *v.* Griswold, 8 Wallace, 625.

<sup>2</sup> *Supra*, p. 132.

nated William Strong of Pennsylvania and Joseph P. Bradley of New Jersey, both of whom were speedily confirmed and took their places.<sup>1</sup>

The result of these two changes was to constitute a court whose majority would now sustain the Legal Tender acts as constitutional and the greenback currency as lawfully issued; and, had Grant's two appointees of December gone upon the bench instead, the original majority would most probably have given opinion to that effect. Both President and Attorney General now appeared to desire and expect a reversal; and by May,

1871, that was accomplished. Not only the original act of 1862 was at length pronounced constitutional, but all the Legal Tender acts of the Civil War. And by 1884 the Supreme Court, as then reconstructed, abandoned wholly the doctrine of constitutional

restriction and decided almost unanimously that Congress had omnipotent discretion, instead, whether in times of peace or war, to prescribe a national currency of its choice, whether of specie or paper. So sweeping a sanction—which, after all, applied in fact only to issues and reissues of these Civil War bills of credit—may lead some day to terrible disaster financially, unless public opinion compels Congress to constraint,<sup>2</sup> or the dictum here pronounced is qualified or repudiated by the same tribunal.

Congress being thus left to its own initiation of specie payments, as seemed fitting, that body took its own time for such accomplishment. Yet, as the saying went in those days, the only way for the country to resume was to resume;<sup>3</sup> in other words, that courage must be summoned

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<sup>1</sup> It was said that these two justices were selected to help reverse this decision, but such probably was not the case. See citations in VI. Rhodes, 270-272.

<sup>2</sup> Cf. Legal Tender Cases, 12 Wall. 475; *Juilliard v. Greenman*, 110 U. S. 421. And see at length VI. Rhodes, 258-273. Following the majority reverse of 1871, there was much bitterness in this tribunal during the brief remnant of the Chief Justice's life.

<sup>3</sup> A phrase which, I think, originated with Horace Greeley.

in the body politic sooner or later, to endure a painful operation. Meanwhile, to increase his Treasury savings, Boutwell sought and obtained statute authority to fund the existing national debt at discretionary rates, varying from 4 to 5 per cent for differing lengths of time. Under such a sanction he tried to induce holders of the five-twenty 6's to exchange their bonds for a new 4½ per cent issue; but a year's experiment failing of much accomplishment at home the Secretary pushed his loan abroad with better success, though not without extra expenses involved in the employment of foreign bankers.<sup>1</sup>

1870-72.

With an abundant Treasury the pressure grew to reduce taxation and relieve the generation which had sustained the whole exhausting sacrifice of fighting for the Union from bearing more than its share of reducing the debt incurred in that conflict. Hence Congress in 1870 brought down internal taxation to a lower limit—not indeed, sweeping it out altogether, as in earlier epochs, but getting rid of the oppressive and unpopular income tax, which tempted to perjury and evasion, and as to the stamp and other duties leaving only what might be readily collected without vexing the mass of the people and would yield a good revenue besides.<sup>2</sup> As to customs duties, the cause of protection for our infant industries found both champions and opponents, but a compromise reduction of war duties was effected to an average of about five per cent.<sup>3</sup>

1870.

In foreign affairs the first two years of Grant's Presidency were years of effort rather than achievement. First of all, the Senate, in April, 1869, rejected with contempt the Johnson-Clarendon treaty by 54 to 1, and this for various reasons not wholly just. The present feeling

<sup>1</sup> VI. Rhodes, 273-274; Act July 13, 1870. About \$20,000,000 of the 6 per cents were thus replaced by 5 per cents by December, 1872, shortly before Boutwell retired from office.

<sup>2</sup> Act July 14, 1870, VI. Rhodes, 280. The taxation of banks, and dealers in spirits, fermented liquors, tobacco, etc., was continued.

<sup>3</sup> VI. Rhodes, 280.

was strong, however, that all settlement of the commercial wrongs lately endured from Great Britain should be preferred by an apology on her part, and Reverdy Johnson's effusive speeches while minister and negotiator, over the "ties stronger than links of iron" which bound us to the mother-country, were angrily disapproved. With something of superfluous arrogance Sumner, as chairman of the Foreign Relations Committee in the Senate, followed up this rejection by an oration, widely published, in which he footed an immense bill, with items of indirect damage against England, for prolonging the late rebellion through undue favors shown to the Confederates. That speech pleased the inconsiderate of our countrymen, but Great Britain was greatly provoked and a fierce discussion as to spoliation claims ensued on both sides of the Atlantic.<sup>1</sup>

We have seen that Seward's treaty for the purchase of Denmark's West India islands failed likewise in the Senate.<sup>2</sup> But elsewhere in that Caribbean archipelago President Grant's interest was fully aroused soon after his induction into office, and in two instances he attempted a foreign policy on his own responsibility, for intervention or annexation, as the case might be. In

1869. each instance approaches were made from without, not through regular channels of the State department or Congress, but to members of Grant's military staff in his special confidence. Not small West India islands, but the two largest of them all—Cuba and San Domingo—became thus the objects of Executive solicitude.

(1) As to Cuba, a genuine feeling of sympathy for her revolutionists might naturally have developed here then as it did long years later. The Cubans were already fighting for their independence. Spain was in perplexity over her sovereignty both at home and in that island colony, where insurrection had progressed for nearly a

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<sup>1</sup> VI. Rhodes, 337-339.

<sup>2</sup> *Supra*, p. 136.

year without being put down. A Cuban junta in New York City offered for investment bonds of the embryo republic, payable whenever independence should be won, and sought to organize here the material resources of revolution, embroiling, if possible, the United States with the home government at Madrid. General Rawlins, the Secretary of War, whose influence with the President was very great, seems to have inclined favorably to the insurgents. But an expedition to Cuba in violation of our neutrality laws, which a junta was preparing in New York the government broke up in June, 1869; for at that very moment we were denouncing Great Britain for just such belligerent favors to our own insurgents in 1861-65.<sup>1</sup>

Against the conservatism of Fish over Cuban dealings was set the radical pressure of Rawlins, his colleague in the cabinet. Yielding to the latter's advice so far as he cared for advice at all, Grant, with martial mien, ordered a proclamation drawn up, in August, which accorded belligerent rights to the Cuban revolutionists. This he signed while on an excursion to New England and transmitted it to his Secretary of State at Washington with written directions to countersign, affix the official seal and issue it. But Fish, with a better apprehension of international diplomacy, laid the document aside, completing the formalities as ordered, and awaited the President's return. This discreet course saved Grant from grave error, as he afterwards acknowledged; for the proclamation never went forth, and, to the great relief of others in the cabinet, a conservative policy on Cuban affairs developed under the Secretary's own direction. With the death of Rawlins<sup>2</sup> in fact, all pressure worthy the style of official, for drawing the United States into an

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<sup>1</sup> Newspapers.

<sup>2</sup> Rawlins had (as afterwards appeared) a money interest in Cuban recognition. C. F. Adams's *Treaty of Washington*, 118. Dying poor, a subscription was started for his family and to this fund the junta in New York made an ostentatious contribution in bonds of the expectant Cuban Republic. Newspapers.

island uprising which had not gone beyond the guerilla stage, ceased suddenly.<sup>1</sup>

(2) In his effort to annex San Domingo to the Union Grant showed a far more stubborn disposition. Baez, the President of that hybrid republic, which shared with another independent government the great island of Hayti, had cherished the scheme of selling out to the United States, his supremacy being far from secure among his own turbulent people.<sup>2</sup> Grant in July sent down Col. Orville E. Babcock of his White House staff to examine and report.

1869. Great was the amazement in early autumn when Babcock returned, bringing with him a treaty written out for the immediate cession of San Domingo with its 120,000 inhabitants in mass, white, black and mulatto. He gave a glowing account of rich minerals and products of the island soil, such as might support in luxury millions of happy people if once brought under our national direction. To his assembled cabinet the President disclosed the situation; Babcock's treaty he thought might be sent back and put into more formal shape, but otherwise he expressed a full approval of the transaction. The blank astonishment and dismay depicted on the faces of his counsellors convinced him that their concurrence was hopeless; and shifting the cigar he was smoking, he changed the subject. This was the only cabinet conference held upon San Domingo's purchase, but to the project Grant clung with a strange obstinacy.<sup>3</sup>

And now Secretary Fish, already sorely tried by the chief's disregard of what was due him, offered his resignation, this treaty having been negotiated wholly without his knowledge or participation. But Grant, who

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<sup>1</sup> VI. Rhodes, 345, 346; C. F. Adams, 119. Mr. Adams, whose volume throws much light upon the diplomacy of this administration, had recourse to Secretary Fish's private papers.

<sup>2</sup> Overtures had been made to President Johnson, but nothing came of them. The convenience of a naval station there or at St. Thomas was recognized. Welles's Diary, Dec., 1868, and Jan. 29, 1869.

<sup>3</sup> VI. Rhodes, 347-349.

highly esteemed him, both socially and officially, made honorable amend and the resignation was withdrawn. To judge by what followed in affairs, the two reached a mutual understanding whereby the Secretary was to support the President in this business and be allowed, in return, to manage British and Cuban concerns in his own way. Babcock went back to San Domingo with full credentials and by the close of November concluded a treaty in due form whereby Baez bound himself to annex his republic and its people to the United States for a round \$1,500,000. And his tenure of office being now quite precarious American war vessels were despatched to help maintain him in power.<sup>1</sup>

But to get two-thirds of the Senate to ratify such a treaty was quite another matter. Public opinion in the United States opposed such annexation and suspected corrupt motives. Sumner, the chairman of the essential committee, could not be won over to its support, notwithstanding the President made an evening call at his residence early in the new year to bespeak his support, misinterpreting the diplomatic answer of the Senator into a consent. On the 15th of March, Sumner's committee reported the San Domingo treaty to the Senate adversely<sup>2</sup> and its doom was sealed. In vain did Fish plead with his Massachusetts friend before the final vote was taken; while other Senators were approached by the President himself. The result in the Senate, June 30, was a tie, and hence the treaty was defeated beyond the possibility of a two-thirds approval.<sup>3</sup>

Great was Grant's wrath at failing where he had so set his heart; and his resentment was directed most against Sumner, whom he accused of going back upon his word. In that respect he had of course misunderstood; but

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<sup>1</sup> VI. Rhodes, 349.

<sup>2</sup> Only Morton and Harlan of the Committee approved the treaty, as against Sumner, Patterson, Schurz, Cameron and Casserly.

<sup>3</sup> Congressional Globe; VI. Rhodes, 349, 350. The vote stood 28 to 28.

Sumner had spoken bitterly of Babcock when the treaty was discussed behind closed doors and as though to reflect upon the President's own honor. The next day after this adverse vote Grant ordered Sumner's friend, Motley, displaced as minister to Great Britain; a mandate which Secretary Fish performed with painful effort, Motley refusing to resign and keeping at his post until removed peremptorily the following December. Fish's intercourse had been so cordial with Sumner that he had allowed him to draft Motley's earliest instructions; he had even been lenient over that minister's disposition to press the Senator's views at London, against his own delicate caution. His anxiety to keep the peace on all sides was manifest; but when Motley, upon his removal, wrote an irritating despatch which provoked Fish's written comment, Sumner considered himself insulted by a reference in the latter despatch and all personal intercourse between Secretary and Senator came to an end.<sup>1</sup>

Grant had, indeed, lost his case with the Senatorial rejection of his treaty. Both Houses of Congress and the sentiment of the country opposed that project, yet he doggedly persevered in it. Renewing the subject in his message of December, 1870, he urged the rich opportunities San Domingo afforded in its tropical products; and so far did he prevail in a new move for annexation by process of a joint resolution, that Congress authorized sending commissioners to the island to investigate and report.<sup>2</sup> Three citizens of high standing went accordingly, who, by April, 1871, reported for annexation; but the new Congress which had organized appeared irresponsive, and, committing the whole subject to the

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<sup>1</sup> VI. Rhodes, 351-357. C. F. Adams, 171; N. Y. Nation, Jan. 12, 1871.

<sup>2</sup> To that sanction, however, the House tacked a proviso that this should not be construed as committing Congress to a policy of annexation. Some who voted favorably desired information, but others, most probably, meant scarcely more than to humor one whose wishes they were reluctant to oppose.

wisdom of legislators and people, as he should have done in the first place, Grant dropped the whole subject.<sup>1</sup>

Meanwhile, however, Grant's quarrel with Sumner had grown greatly, and tattlers and busy-bodies about the capital made the rupture between them wider.<sup>2</sup> Each was an antagonist to be dreaded, though their methods differed widely: the one lofty in temper, vehement in oratory, and a composer of stinging epithets; the other taciturn, reserved, usually imperturbable in outward demeanor, not given to discussion and yet tenacious of his purpose, resourceful, one who hardened under opposition but might yield to gentle persuasion. Accustomed to form secretly his own plans, Grant felt no moral compunction in using such practical means as he found under his control to force his purpose, if he thought that purpose a worthy one. The saving grace of his executive career was that, even where ignorant or blundering, he was personally uncorrupt, and cherished few points of policy in the initiative, taking up matters rather as they came to him.

But Sumner's self-conceit and desire to dominate had grown upon him with recent years and the development of his strong moral potency after Lincoln's death. Hence the re-opening of the San Domingo issue by the President in the final session of the forty-first Congress was the signal for a public outburst of his most violent and vindictive eloquence, with poetic exaggeration; inflamed, as he persuaded himself, by the tremendous wrong which had been attempted towards distant people of the humble race he befriended, as the passion of his life.<sup>3</sup> In successive speeches with figurative titles, numbered like the four Cicero orations against Catiline, and replete with classical citation, he advanced from the iniquity of Babcock and

<sup>1</sup> VI. Rhodes, 354-355; *Congressional Globe*.

<sup>2</sup> Sumner did injustice to Grant, and Grant to Sumner. G. F. Hoar's *Autobiography*, 211.

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Baez to denunciations, more and more severe, upon the President himself. In reported utterances he stigmatized Grant as "a colossus of ignorance," and his Secretary of State as "a gentleman in aspect with the heart of a lackey."<sup>1</sup> For Fish, though in sore distress of mind, kept loyal to the President he served. Not strangely then, with the proper channels of intercourse between the Senate Committee of Foreign Relations and the Executive cut off, a new affront was contrived for Sumner, at the President's personal instigation, when a new Congress organized in March, 1871, by choice of another chairman of the committee with which he had been so long identified.<sup>2</sup> In most Congresses chairmen of committees come and go and the public pays little heed to changes; but for this statesman, whose whole grand career of service was comprised in a Senatorship from his native State, the blow inflicted by fellow-members was a humiliation not to be soothed.

### SECTION III.

#### SOUTHERN RECONSTRUCTION.

Upon his accession to supreme office Grant took up the Southern problem with a generous and conciliating disposition. But having no comprehensive policy of his own to propose or put in force and depending largely upon the initiative of Congress, he varied in course with circumstances as the years went on, yielding to the practical exigencies of party politics, the wishes expressed by the Republican leaders, not over-scrupulous, who gained special influence with him, and perhaps in some degree to his own anxiety for re-election, once and twice. Yet his whole bearing towards vanquished foes of the Confederate cause up to 1870 made a lasting impression upon them in his favor; if harshness followed, Congressmen were chiefly

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<sup>1</sup> Personal recollections of this author.

<sup>2</sup> VI. Rhodes, 350-362. Senator Cameron, who was now chosen chairman, treated his degraded colleague with delicacy.

blamed for it; and more than one Southern statesman who at length regained leadership in his native State made open acknowledgment of some gracious favor which this President had extended to him in time of turmoil. All such expressions of gratitude Grant cherished in after years.

Three States, Virginia, Mississippi and Texas, were outside the pale of practical readmission, when Grant became President, and upon his recommendation Congress passed an act, as early as April, 1869, for restoring each to normal relations with the Union. Under that act <sup>1869, April-</sup> this President set the early date of July 6 for <sup>November.</sup> Virginia to hold her State election, and permitted, furthermore, the disfranchising and test-oath clauses of her newly framed constitution to be separately voted on at the polls—a concession highly welcome to the ex-Confederates. After a lively canvass between Conservatives and Radicals in the State the former won, choosing Gilbert C. Walker governor, a resident from the North and a man of business worth and excellent character. The new State constitution was carried at the ballot box with both disfranchising and test-oath clauses defeated, and a majority of the legislature chosen were Conservatives. Thus Virginia had the exceptional good fortune of passing directly from Federal military control to a sane and sensible home rule. Upon Governor Walker's advice the legislature speedily ratified the XVth Amendment and all prescribed qualifications for re-admission were fulfilled.<sup>1</sup>

Mississippi's election day was set much later, namely at November 30, under the President's proclamation; and in that State, notwithstanding the Conservatives headed their ticket with Judge Dent, Grant's brother-in-law,<sup>2</sup> and made a strenuous canvass, the Radicals triumphed at the polls by a large majority and gained full control of the legislature. But, while Mississippi's new constitution was mainly adopted, its proscriptive clauses were voted

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<sup>1</sup> VI. Rhodes, 245, 304.

<sup>2</sup> *Supra*, p. 154.

down with emphasis. In Texas, too, the Radicals elected their candidate for Governor and a new constitution prevailed.<sup>1</sup>

When Congress re-assembled in December of that year, the Southern situation was not wholly pleasing to stalwart 1869, December-1870, March. Republicans. Besides the failure of Virginia for their party, Tennessee, so long recognized in her new autonomy that any renewal of discipline was now impossible, had lurches over from Brownlow's revengeful set to the Conservatives who applauded Andrew Johnson; while both North Carolina and Georgia, among Southern States re-admitted in season for the Presidential canvass of 1868, had been lately wrenched by the intelligent white resident voters from the greedy grasp of "carpet-baggers" with their negro allies.<sup>2</sup>

The result of a long discussion in the two Houses was to re-admit Virginia, as consistency demanded; not however, as party spirit here compelled, without a harrowing requirement that each and every member of the legislature in that State should take solemn oath that he was not still under the disabilities of the XIVth Amendment. And it was moreover prescribed, as a new fundamental condition by after thought, that Virginia should never, by any constitutional amendment, deprive men of color of the right to vote or hold office or to have the benefits of the schools.<sup>3</sup> The same fundamentals (which in their fullest scope may be pronounced special terms of dubious validity imposed by victors upon vanquished) were insisted upon in later acts of the session which in turn admitted Mississippi and Texas.<sup>4</sup>

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<sup>1</sup> VI. Rhodes, 246.

<sup>2</sup> *Ib.*, 285-287. The name "carpet-bagger" was familiarly applied in those days to the northern adventurer in this region.

<sup>3</sup> *Ib.*, 285; Act Jan. 26, 1870.

<sup>4</sup> Acts Feb. 23, 1870, and March 30, 1870. As an impressive result of the elections held in Mississippi, Rev. Hiram R. Revels, a quadroon, became one of the Senators in Congress, the first person of color who ever sat in that dignified body. He proved himself a quiet, inoffensive and self-respecting member.

But, while all the Ex-Confederate States were now nominally back in the Union once more and represented in both Houses of Congress, Georgia for a longer space was a stumbling-block in the path to complete reconstruction. The trouble with her went back to September, 1868, when negro members were expelled from the State legislature, and in consequence Georgia's electoral vote for President had been angrily challenged when Congress made up the count. Georgia's Supreme Court had by this time decided that such expulsion was illegal, and gladly <sup>1868-</sup>  
<sup>1870.</sup> now would the Conservatives of that State accept that decision and register the legislature as before. But to Bullock, the radical governor chosen at the polls, this was not enough; and upon his complaint, confirmed by General Terry, the military commander, that negroes were oppressed, outraged and murdered in Georgia, Congress passed promptly an act, which ordered Georgia's legislature reorganized at once so as to include men of color, and gave the President power expressly to employ military force for executing this mandate. Stretching his own military authority to the utmost, though apparently with President Grant's approval, Terry, not content with restoring the ousted negro members, expelled twenty-four Democrats besides, and filled their places with Republicans. This was what Bullock wanted to establish his own control. With a legislative body now clearly of his own party complexion by the added purgation he carried out his purposes with confidence. The XVth Amendment was promptly adopted by the legislature and two Senators of the desired stripe were chosen to Congress.<sup>1</sup> Nor was this enough for accomplishment; for lobbying and pushing at Washington to keep his corrupt tyranny secure, this governor contrived that a bill for Georgia's full reinstatement should be reported from Butler's reconstruction committee which among other "fundamental conditions" prolonged this miscomposed legislature for an additional term of two years, in utter defiance of the State constitu-

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<sup>1</sup> VI. Rhodes, 288, 289; Act Dec. 22, 1869.

tion. But on that dishonest proposition Bingham opposed Butler in the House, while Trumbull and Edmands confronted Morton in the Senate; and the bill, as it finally passed the two Houses, recognized the right of voters in Georgia to hold their prescribed election for a new legislature, the following November. It also declared that State already entitled to be represented in Congress.<sup>1</sup>

On March 30, 1870, President Grant sent a special message to Congress, stating that the XVth Amendment had now been ratified by three-fourths of the United States and was therefore a part of the Constitution. Great popular rejoicings ensued throughout the land; and among celebrations by colored people at the North that at Philadelphia held prominence, where Fred Douglass spoke, the most eloquent orator in those times of the liberated race.<sup>2</sup> Later experience has shown nevertheless, that, notwithstanding the express authority given Congress under this Amendment to enforce its provisions against any attempted evasion or denial of racial equality in the suffrage of a State, a practical enforcement must be extremely difficult. In that respect the rule of the XIVth Amendment had decidedly the advantage.<sup>3</sup>

That act of Congress which frustrated Bullock's scheme of saddling a legislature illegally made up upon the people of Georgia two years beyond its constitutional expiration in 1870, was due to the nascent perception in Northern minds and the fairer party leaders who ruled at Washington that ignorant constituencies at the South were foisting scoundrelly officials upon the public, to the

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<sup>1</sup> Act July 15, 1870; VI. Rhodes, 290-293.

<sup>2</sup> VI. Rhodes, 293; newspapers.

<sup>3</sup> For under the XIVth Amendment Congress had only to pass an act for reducing a denying State's representation in the House, based upon figures of the census. But to deal with States which deny equal race suffrage is a national problem still unsolved.

disgrace of the whole country, as well as the ruination of the States concerned. Democrats consequently aided moderates of the Republican faith in developing a better generosity of treatment toward those conquered in fight, whatever might be the political result. Sumner's influence in the Senate was obviously waning, and only such as he among radical counsellors could disinfect a malodorous programme of party tyranny which promised an incidental advantage to the negro. The unsavory Bullock, baulked now by Congress, made a desperate effort within his State to keep the purged legislature and himself in power, and his audacity aroused the best citizens of that commonwealth to combine strenuously for his overthrow. An election law was passed by that legislature which gave to the Bullock party its strongest chance of winning. But Benjamin H. Hill, a leading Georgian of other days, called upon President Grant and gained his countenance to the cause of good government; then throwing himself into the State canvass with zeal and energy, he appealed to all voters, black as well as white, to choose honest men of either race to the new legislature, pledging October-December friends of his own complexion to a generous acceptance of the constitutional amendments, with negro suffrage as an accomplished fact. The event proved his wisdom; negroes themselves, won by such fraternal expressions, voted in large numbers the Conservative ticket, deserting their scalawag allies to aid in a common rescue of their own beloved State from misrule. A sweeping victory was won in December, with two-thirds of the next legislature Conservatives and five out of seven Congressmen.<sup>1</sup> That happy regeneration was followed, a year later, by the choice of a Democratic governor <sup>1871-</sup> to succeed Bullock. By January, 1872, Georgia <sup>1872.</sup> reached at last the broad highway of home rule, to be thenceforth unmolested.<sup>2</sup>

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<sup>1</sup> Georgia's Senators and Representatives were admitted to Congress in January and February, 1871. VI. Rhodes, 302.

<sup>2</sup> VI. Rhodes, 297-302.

The year 1871 opened with four ex-Confederate States already redeemed from the strangling misrule of plunder and proscription—Tennessee, Virginia, North Carolina and Georgia; and these were joined in decent self-government by other suffering commonwealths of the South as later opportunity was found to shake off the Congressional yoke from their necks. Despite the national patronage in that suffering section which the Republican party had still for many years to dispense without hindrance, the agony of those few years of wholesale spoliation was recalled to its lasting discredit. All hope of dissolving the fragments of old political sects in triumphant Union-Republicanism now disappeared; and in the end the same old sectional parties as before the War confronted one another, with Northern Democrats well assured of a renewed alliance with the solid South, by ties of gratitude.

Thievery, bribe-taking and extortionate taxation to supply an exchequer drained by criminal waste and extravagance must condemn any rule by nominal sovereigns of the people where the spirit of liberty is not wholly crushed out, and, sooner or later, honest intelligence will assert itself courageously at the polls to bring about a reformation. "Save these reconstructed States to our party," was the cry which had reconciled so many Northern Republicans to heart-rending conditions among white brethren, conquered in the prowess of arms and willing now to adapt themselves to new social and economic conditions which they honestly accepted. Of Northern settlers who had been attracted to the South—among them discharged officers and soldiers of the Union army and agents of the Freedman's Bureau—many, doubtless, were citizens of integrity and character, moving into a ravaged but attractive region to buy farms or carry on a legitimate pursuit; hopeful of causing a present wilderness to blossom as the rose. But scoundrels and adventurers whose records were bad came from the same quarter like a swarm of harmful locusts, and the common temptation was hard to resist to seek political prizes. Politics under the leverage at hand defiled almost surely the men

who meddled with them, and they who would have converted sinners, the sinners themselves converted.

As for the negro he proved himself an apt and ready pupil; not of course in the higher range of official rank and authority, but for petty stealing, swag and the sale of vote and influence. Naturally enough, he yielded to the tuition and example of such new friends from without, and welcomed those of the white race who had been his emancipators. Affectionate, still, towards "old massa," whom he would consult readily upon his private affairs, he felt bound to go against him when it came to politics. Lazy and idle, in his new-found freedom, disposed to take a respite from toil and to shift from place to place, politics pleased him for he got money easily out of it. It was not so much in promiscuous voting, however, as in promiscuous office-holding that this unschooled child of freedom seemed absurdly out of place and ridiculous.<sup>1</sup>

Such travesty upon political equality which was entailing ruin and chaos in their midst led many intelligent whites in these States to attempt a reassertion of rule by suppressing that negro vote which they could not win over fairly and had not the means to purchase. The "Ku-Klux-Klan," so styled, proved a potent agency for such a policy in disordered communities where secret guile might be matched against the Federal soldiery. Started in 1866 by some mischievous and high-spirited youths of Tennessee, this mysterious order spread its baneful influence into neighboring States more truly miserable, organizing "dens" and multiplying its members rapidly. Ex-Confederates who had fought and the native element still proscribed by Congress sympathized with such a league, while

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<sup>1</sup> A South Carolina catch of the day expressed well the average negro sentiment as to politics:

"De bottom rail am on de top,  
And we's gwinter keep it dar."

See at length VI. Rhodes, cs. 34 and 37; I. Andrews's *Last Quarter Century*, c. 5.

against it were arrayed the negroes themselves and white Union settlers, their political allies.<sup>1</sup>

Those of the "Klan" most active understood well the negro nature and knew how to play upon the credulity and superstitious fears of these simple freedmen. Mounted upon horses whose feet were muffled, and wearing tall hats of cardboard, masks and long white robes, they rode by night in company to threaten and terrify the humble colored folk. One of them, holding a sham head under his arm, would introduce himself to the trembling occupants as the ghost of some white master who had been shot in battle years before. Another, who had equipped himself with an india rubber bag concealed from sight, called for a pail of water and seemed to drink its contents at a single swallow. Then by moonlight would follow threats and an imposing display of crossed swords, skull and cross-bones with the visible emblems "K. K. K." More and more daring grew such outrages with the increasing desire of effective suppression. The moral of all such warnings was that the negro must keep to industrial labor and let politics alone. Colored persons especially obnoxious were whipped and forced to leave the neighborhood. Negro churches and schoolhouses were occasionally burned. In all this there was much lawlessness, wrongdoing and terrorism, but the tales of cruelty were often exaggerated and credible testimony on the whole subject is not to be had.

White adventurers in these regions, though far more hateful, no doubt, to the "Ku-Klux" and more truly to blame for the misgovernment existing were, for obvious reasons, seldom overhauled by the midnight marauders of their own race. But, as Horace Greeley said, when returning from a Southern visit in 1871 which made a convert of him, these "Ku-Klux-Klans" should have let up on the poor negroes about them and devoted their efforts to clearing out the "carpet-baggers."<sup>2</sup>

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<sup>1</sup> VI. Rhodes, 180-182.

<sup>2</sup> N. Y. Nation, Feb. 1872; VI. Rhodes, c. 34; I. Andrews, c. V. The Ku-Klux lodges were called "dens" and the members "ghouls," "giants," "goblins," "dragons," etc.

Closely following the adoption of the XVth Amendment, Congress had in 1870 with full party assent, passed a stringent election act, which empowered any and all citizens hindered in voting by fraud, intimidation or violence, or by any misuse of official power, to bring the offender to trial and criminal punishment by a court of the United States. But, five years later, the Supreme Court pronounced such provisions unconstitutional, since primary recourse should still be had to each State, while the province of the Federal government was to see, not that individuals but that States enforced equality of suffrage before the law.<sup>1</sup>

In further pursuance of the express constitutional power given Congress to enforce the two new Amendments, a Federal election law was enacted in 1871, whose main intent was to protect negro voters at the South in the exercise of an equal suffrage. All elections for Congress were placed under strict Federal control, with local supervisors at the polls to be appointed by United States judges and authority vested in United States marshals to employ special deputies should need arise.<sup>2</sup>

One section of the Act of 1870 aimed at the suppression of the Ku-Klux-Klan; and the forty-second Congress, whose first session began in March, 1871, was largely occupied in discussing those outrages. The President sent to the two Houses an early message on the subject, recommending stringent legislation, and in response a measure was passed, known commonly as the "Ku-Klux Act," which conferred large discretionary powers upon the Executive for the summary suppression of all such lawless combinations by military force or otherwise.<sup>3</sup> Grant used with wisdom his dictatorial authority. In one instance only, where in nine counties of South Carolina

<sup>1</sup> Act May 31, 1870; VI. Rhodes, 293-296; 92 U. S. Reports, 214.

<sup>2</sup> Since State elections would usually take place on the same day, the freedman thus protected gained incidental security in voting for governor and members of the legislature. Act Feb. 28, 1871; VI. Rhodes, 312.

<sup>3</sup> Act April 20, 1871; VI. Rhodes, 312, 313.

terrorism was still rampant, he suspended the writ of *habeas corpus* and made military arrests of the ringleaders. Indictments and prosecutions followed with criminal retribution. In other States the offending marauders were simply indicted and tried in the Federal courts and convictions procured. The effect of such vigorous procedure was on the whole salutary, and the year 1872 opened with these Ku-Klux raids brought substantially to an end. That same year saw a new Presidential campaign begun and fought out at the polls; and, naturally enough, party Democrats and party Republicans differed widely as to the extent of outrages actually committed upon Southern negroes, on the one hand, and their own criminal provocation on the other.<sup>1</sup>

Looking back now, through the calm vista of forty years upon that unhappy era of Southern chaos and distraction, one observes that negro suffrage has well-nigh vanished from those reconstructed States and with it the negro's boon, once esteemed so precious to him, of sharing in responsible local offices. The negro has lost his former potency in Southern politics for the present. Yet he has gained greatly through all these years in civic usefulness, and, to quote a noted colored educator of the present day, there is now perfect accord and understanding between the two races mutually in those Southern States, with less of industrial prejudice and exclusion there than in any other part of the Union. Northern stories of lynchings in that section, he claims, are much exaggerated. While in 1863 only three per cent of the colored race could read or write,

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<sup>1</sup> A vast amount of testimony was taken on this whole subject by a joint committee of the two Houses, much of which was recriminating and contradictory. Majority and minority reports in 1872, amply discussed, furnished campaign ammunition for the opposing parties. About ten years after Ku-Kluxism had been so efficiently stamped out in furtherance of the wishes of Congress, the Supreme Court complacently announced that State authorities should deal with such complaints and that the "Ku-Klux Act" was unconstitutional VI. Rhodes, 316; 106 U. S. 629 (1882).

seventy per cent can now do so; many thousand negro farmers at the South, formerly tenants, till their own land, and colored men of means and pecuniary independence abound in every State once wedded to slave institutions.<sup>1</sup>

Though one cannot but wish that more of the ex-Confederate leaders had appealed sympathetically to brethren of this race, like Hill, to join in establishing an honest home rule for all,<sup>2</sup> the ground taken by Governor Andrew of Massachusetts in 1866 appears the true one for Congress to have applied during the era we are describing: namely, to summon the natural leaders of these States to co-operate in renovation, instead of proscribing them.<sup>3</sup> That generous-hearted Executive died before Grant came into the Presidential office. Had Northern leaders who combined such a belief with the wish for full negro suffrage of which he partook, conducted the invidious task of reconstruction, many political mistakes would have been avoided. The negro, if he permanently remains in the United States as a factor in our population, while advancing in knowledge, wealth and personal character, will some day feel strong enough to push on his own behalf, wherever resident, for a local grant of equal suffrage, and will establish his right to do so. And so may our XVth Amendment, now looked up to by the heart-sick like the brazen serpent in the wilderness, prove in every State its healing and health-giving properties, through gradual and salutary stages of recognition, if not indiscriminately and at once.

#### SECTION IV.

##### THE DISTRICT OF COLUMBIA.

To President Grant's interest and encouragement, with that of the District committees of both Houses of Con-

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<sup>1</sup> Booker T. Washington in Boston Herald, March 22, 1912. And see James H. Dillard (1913). Various white residents at the South (1913) confirm all this by statistics.

<sup>2</sup> *Supra*, p. 173.

<sup>3</sup> Valedictory address to Massachusetts legislature.

gress, during this administration, is largely due the inception of that progress and development which has since transformed the shabby and poverty-stricken Washington of the old era, with its Georgetown annex—the District of magnificent unrealities—into a superb and prosperous capital, worthy of its original plans and doubly endeared in historical associations to the American people.

Washington city in 1869 wore much the same slovenly appearance as during the four memorable years of fraternal strife, except that the clank of cavalry riders and the

1869. pounding of wagons and baggage trains through

the unpaved streets had ceased, and civilian sight-seers now paced the broad brick sidewalks without meeting officers in military blue, wearing shoulder-straps, caped overcoats and slouching black felt hats. There was the same dreary stretch of incongruous stores and dwellings contrasting with the noble and substantial buildings of government; the same mingling of costly architecture with the cheap and feeble. Unchanged stood that one truly magnificent white building, or rather aggregation of buildings, of marble and painted freestone on the brow of Capitol Hill, which fronted eastward a wilderness and looked westward towards an Appian Way with retail stores and hotels on one side and disreputable haunts on the other. There was the same placid Potomac winding sluggishly in the distance, devoid of commerce; the same straggling public reservations, the same neglected botanical garden to the south, near by the Arsenal and Penitentiary grounds, still haunted by the ghosts of good Abraham Lincoln's assassins; the same composite towers of red sandstone which identified the Smithsonian Institute; the same airy central dome of the capitol, now completed, to inspire in one direction, the same incomplete shaft of the Washington monument to depress in the other. Untidy vacant lots were visible; the huddled cabins of negro quarters; heights with browsing goats; blocks of brick dwelling-houses, adorned with the japanned tin signs of patent solicitors and attorneys, or cards offering "furnished rooms with or without board;" drinking

saloons, with red curtains drawn, where "steamed oysters" was the toothsome delicacy. City newspapers made conspicuous advertisement of the feminine dealer in "first-class second-hand garments," and of "uncles," too, one of whom styled himself "the only Christian pawn-broker in the District."

The retail wants of a considerable population, genteel or scrimping, were here supplied; but there was no manufacturing industry of consequence, no wholesale trade, no commerce, hardly a decent respect for business enterprise of any kind. A few residents of means lived well and entertained, but more were dependent upon precarious government salaries; and both they who entertained and they who partook inclined to live much beyond their means. In compact red-bricked Georgetown dwelt a refined social set, much as in Alexandria, which maintained a select choral society. Its front street was commercial and smelled of dried herrings, but on the picturesque heights behind, near the flow of Rock Creek, a beautiful cemetery was laid out.

Large numbers of the emancipated race resided in this Federal District, many of whom had been born here in bondage. Negroes of character and intelligence were among them, who lived wholesomely, earned a good support, and attended, many of them, a church of their own race planted in the most fashionable quarter of Washington. Janitors and messengers in the public buildings were thus supplied; waiters in the hotels and boarding-houses; men who ran shaving parlors and tonsorial emporiums or conducted various small industries, emulous of some high-sounding title.<sup>1</sup> But large numbers of lazy and ragged brethren had drifted hither from the south side of the Potomac; such as might be seen drowsing in the

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<sup>1</sup> A sign near City Hall read: "The colord stock company; manufacturers of tobacco and to employ colord men to work." Some good old negro would make a respectable figurehead for institutions like the Freedman's Savings Bank, to attract customers of his race, while a white executive committee handled and speculated with the funds. Author's recollections.

spectators' galleries on Capitol Hill, where none dared molest them, or sunning themselves in tattered groups on the long steps of City Hall. With so varying a crowd of voters admitted liberally to the suffrage, District polities took at once a downward course, until to arrest corruption the bankers and business men of Washington city combined as good citizens, raising an appropriate fund, and chose a mayor of their own number, Matthew G. Emery. Holding office long enough to usher in some broader schemes for District government, Emery was the <sup>1870-71.</sup> last ruler in Washington ever chosen to this day by the voters; and a rule of indiscriminate suffrage thought good enough to impose upon distant ex-Confederate States in perpetuity, Congress now abandoned where the results plainly appeared before its own eyes.<sup>1</sup>

There had been agitation of late for moving the nation's capital from its Potomac site. St. Louis had many advocates as the new seat of government, being near the geographical centre of our continental empire. To offset such advocacy the leading citizens of Washington, already combined to better things in their midst, made a counter-acting demonstration which impressed the Republican leaders of Congress and found co-operation at the White House, for making this sacred site worthy the permanent abode of a regenerated Union.

Reform in such direction began with Grant's induction <sup>1869-70.</sup> into the Presidential office. First of all, old stables and a sawmill on the Capitol grounds which had offended the sight on inauguration day, were ordered away

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<sup>1</sup> Democratic and colored voters in Washington proved about equal in number, while the balance of power was held by less than five thousand white Republicans. N. Y. Nation, Nov. 21, 1872. Of government clerks and officials, many of whom lived here constantly with their families, most preferred to retain a voting domicile in their own States, and thus, at all events, to cast a vote for the party on the quadrennial choice of President. Negroes, on the other hand, were nearly all voluntary residents of the District. Newspapers; author's recollections.

in March, 1869, under a joint resolution. And by early 1870 legislation for improving the conditions of the District began in earnest.

New statutes passed Congress which modernized the law in this jurisdiction hitherto neglected, where much of Maryland's old colonial code continued in force, which Maryland herself had changed within her remaining confines. A married woman's property act brought District policy into harmony with that of the States on that subject. Deeds, which hitherto required acknowledgment before two justices of the peace, might henceforth be acknowledged before one only. The old usury laws, long evaded under one device or another, were so amended that, with six per cent still the legal rate of interest, special contract might carry it to ten per cent. Provision was made for the creation of District corporations by general law, for learning, religion and charity, and, for business purposes, various special charters being granted besides.<sup>1</sup> The Supreme Court of the District was reorganized and a police court added. Improved methods were prescribed for the assessment of taxes. Temporary relief was provided for the poor. Municipal authority was given to set apart portions of the broad streets and avenues for parks, and adorn with shade trees; and as a crowning beneficence, Congress made provision for paving Pennsylvania Avenue from the north-western gate of the capitol to the Treasury building, the cost to be defrayed in part by a national appropriation, with further assessment upon the abutting owners.<sup>2</sup>

Under the last-mentioned act Congress now entered fairly upon a policy, long deferred, of aiding this impe-  
cunious District in its annual needs and lending the nation's credit to its fit development. In the course of an-

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<sup>1</sup> Among corporations specially chartered by Congress in 1870 were the Washington market, with a new central market house; the Columbia Street Railway; the Corcoran Art Gallery; and a Zoological Society.

<sup>2</sup> 1 U. S. Stats. 1870, *passim*.

other year new appropriations were added; for beautifying Franklin Square and a circle near by, at the intersection of Massachusetts and Vermont avenues; for cutting a street through the White House grounds; for constructing an iron bridge across the old canal; for improving various public reservations; and for putting an iron fence about Lafayette Square.<sup>1</sup>

Already had the digging and carting away begun in various parts of the city, to introduce something like a uniform grade in the street system. Dwelling houses at the west end, whose front steps had been close hitherto to the sidewalk, were now left high in air, so that new flights of steps and new grassy slopes became needful for an owner to reach the burrowed level of the street below. But the grand municipal work of these months, which a commission supervised, composed of the mayor and officers of the army, was that of paving the processional portion of Pennsylvania Avenue. With the completion of that undertaking dawned a new era in the annals of our nation's capital, now for the first time entering upon its birthright of great expectations realized.

In their exuberant delight over the awakened interest of Congress and the President, the inhabitants of this District <sup>1871,</sup> arranged a grand Carnival for February, 1871, <sup>Feb. 20-22.</sup> after the *Mardi Gras* custom of New Orleans. French ideas had in 1791 inspired the capital's original design and French festivities seemed not inappropriate, eighty years later, for ushering in the fruition of L'Enfant's schemes of grandeur. Railroad excursion tickets at half-rates brought a large concourse of visiting strangers; all Washington's hotels were crowded; and an important Congress now nearing its close increased the attractions of the occasion.

Monday, the 20th, saw this Carnival started with good weather to its credit and a throng of tourists in the city, estimated at ten thousand. The schools enjoyed a holiday;

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<sup>1</sup> 1 U. S. Stats. 1871, *passim*.

Congress for its routine of business found but a slim attendance in either House; and every one wished to be out of doors to see the sights. For over a mile, from the capitol grounds to the Treasury building where the road turns, Pennsylvania Avenue was lined with eager spectators, on sidewalks, balconies and improvised stands; its jagged buildings adorned on either side with pictures, streamers and evergreens; and its new and conspicuous wooden pavement stretching broadly from curb to curb for the whole length, like some immense ball-room floor. Traversing this pavement, in course of the day, came horse races, a foot race, and a grand improvised parade of teams, showy or simple, from the six-in-hand vehicle which proclaimed Helmbold's Buchu to plain butcher drays and dog carts. By night the Avenue was brilliantly lit up with gas jets and Chinese lanterns; electricity had not yet been utilized for illumination, but strong calcium burners cast searching rays at intervals. Fireworks were touched off at the Treasury portico. The great feature of the night's festivities was a ball given in the Corcoran Art Gallery which public notables, from the President down, attended, together with the prime beauty and fashion congregated in the city.<sup>1</sup>

On Tuesday, the 21st, there was a bizarre masquerade procession on the Avenue, led by the "lord of misrule" and his "mystic krewe." Prominent in the burlesque array figured the would-be movers of the capital, carpet-baggers, and insistent champions of women's rights. Though this day's weather was cold, raw and damp, spectators turned out in force as on the day before. At night the whole paved area was ablaze with bursting bombs and rockets, while sidewalks were packed with people of all sorts, in search of jollity. Two masked balls progressed apart in the city, both visited by the President to give *éclat*, but neither so select as that of Monday night.

This finished the frolicsome gayety of the celebration; for the 22d, or Washington's birthday, fell this year on

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<sup>1</sup> Newspapers; author's recollections.

Ash Wednesday, when church people began the observance of a penitential season, and social festivities at the capital came legitimately to an end. But at the new Arlington Hotel Washington's city government gave in the evening a banquet to the press and prominent visitors. And thus came to its end a three days' Carnival, unique in character for this region and not likely to be soon repeated, which many who were spectators or took part in its lively incidents long recalled with pleasure.<sup>1</sup>

All this civic effervescence was meant to usher in something more for the nation's metropolis than any mere street improvement whose cost was shared from the national treasury. With expansion of outlay for municipal improvements went an expanded scheme of municipal government, and to such a scheme Congress now fully committed itself by an act which President Grant approved on the second day of the Carnival. The whole District of Columbia was reorganized under a territorial form of government, with Washington and Georgetown combined for a joint development, the latter city gaining henceforth the title of "West Washington."

A District governor, appointed by the President <sup>1871-73.</sup> and confirmed by the Senate, was to hold office for four years, as also a Secretary of similar selection. Voters were to choose simply a territorial delegate to Congress, and representatives for a House of Delegates in the District legislature, whose Council or upper branch, with a membership gradually rotating, should hold commissions from the President.<sup>2</sup>

Under this new territorial act, which was meant to afford partial escape from a badly working experiment in unrestricted negro suffrage, Henry D. Cooke, the banker, a man of unblemished reputation, bred to good business habits, was appointed governor, but resigned after serving scarcely half his term. To him succeeded Alexander R. Shepherd, a resident plumber, and acting governor

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<sup>1</sup> Newspapers; author's recollections.

<sup>2</sup> Act Feb. 21, 1871.

from the first; a man whose dominating activity and force of character had at once appeared in the board of public works for the District to which the President first appointed him. Under Shepherd's strong sway the work of metropolitan improvement was pushed forward with zeal and energy, regardless of financial resources. Streets were rapidly torn up, paved and regraded. Lots already built upon were left far above or far below the new level, as might happen. Much real estate originally valuable was injured irreparably or taxed beyond its worth, under an arbitrary scheme of "improvements," while elsewhere a valuation would be greatly enhanced. Under public contracts awarded to one rival concern or another, miles of wooden and asphalt pavement were laid out in broad patches, while the whole city by day or night, was redolent of burning tar. Costly drainage and sewage systems were started. In all this Shepherd showed himself not only masterful but wilful, despotic and possibly malicious.<sup>1</sup> But his conduct of affairs appears to have been free from the usual accompaniment of personal greed and graft; the zeal he displayed was, likely enough, unselfish and for the public good; and however censurable his methods, he roused Washington's inhabitants from their long lethargy and indolence and set this capital city on the new progressive career which has since made it a national abode for our people to be proud of.

Yet a local government of the present magnitude was too costly and cumbersome to last. With a population numbering for the whole District scarcely more than 140,000 inhabitants, by no means wealthy, a territorial debt piled up speedily of about \$13,000,000 with direct assessments, payable at once, on two or three millions more.<sup>2</sup> The territorial legislature, and more especially its

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<sup>1</sup> The Baltimore and Potomac Railroad, just opened for business, received special favors in locating tracks and depot; while its rival, the old Baltimore and Ohio road, found passenger stations and terminals sunk so far below the new street level that changes of construction became needful.

<sup>2</sup> N. Y. Nation, Nov. 21, 1872.

House of Delegates chosen by the voters and made up of riff-raff, white and black, did its full share in bringing the District government into bankruptcy and disgrace. It passed various acts which Congress had to repudiate.<sup>1</sup> Not content with pay and such petty emoluments as penknives and stationery, disreputable members were seen at a final adjournment carrying off chairs and other articles of portable furniture for home adornment.<sup>2</sup>

It had to be confessed, however, that by this time the nation had made itself fairly liable for the freaks and prodigality of its only child; and hence a great point had been gained, under the Shepherd rule, in saddling these District liabilities upon the general government and compelling it henceforth to contribute, as well as control, in

the beautifying of the capital. To such a conclusion Congress arrived; and in 1874 an act was passed which utterly abolished this territorial monstrosity, tag-rag suffrage and all, substituting a simple metropolitan government by a commission of three, all of whom should be appointed by the President, an army officer of the engineer corps being also detailed to take charge of local improvements. Unfunded and floating debts were to be audited by the comptrollers of the Treasury; and fifty-years bonds at interest, issued upon the faith of the United States, replaced the District's dishonored obligations.<sup>3</sup> Under this act Henry T. Blow, John H. Ketcham and William Dennison, citizens at large, entered upon the discharge of their duties in July, and Washington henceforth prospered and developed, as never before, under a commission form of government, the first of a municipal kind ever undertaken in this country.<sup>4</sup>

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<sup>1</sup> See Act May 8, 1872, c. 142.

<sup>2</sup> Local newspapers; author's recollections.

<sup>3</sup> Act June 20, 1874, c. 337.

<sup>4</sup> Harassed by persecuting law-suits, Shepherd now fled to the far west, execrated at the capital by many who wished him a jail sentence, while many more exalted him as one who deserved a monument from his fellow-citizens. He died recently, revered at last.

The strong impulse now given to beautifying and building up the capital under the sheltering wing of the nation induced citizens of wealth and leisure in the North and West to build presently and invest here, making Washington their permanent home. Many in official life <sup>1871-77.</sup> pursued a like course, together with local benefactors like Corcoran, bankers, and men of liberal professions. The British government set an early example abroad by erecting here an ample mansion for its minister to occupy. A huge public structure of granite, begun in 1871, to accommodate the War, Navy and State departments, loomed up on the Executive grounds, with mansard roof and heavy windows and balustrades, after the architectural fashion of the day. And a new feature of park adornment was introduced, of questionable taste, in naming circles after Union heroes of the Civil War, already dead, whose friends had influence to provide funds, public or private or both, for some bronze statue where broad avenues intersected. To Jackson in Lafayette Square, on prancing war horse, the sedately mounted Washington near Georgetown's boundary, and Scott, likewise on horseback, surveying the capital city from a steep ledge of Cape Ann granite, were now added Macpherson, Farragut, Thomas, and, through Grant's special favor, Rawlins, little known to fame. For famous Americans without condemned cannon to be recast to their credit, there was little show; and for Southern Confederate heroes, none at all.

Ford's Theatre, after the tragedy of Lincoln's assassination, had been taken over by government for purposes of its own, leaving the old National as the only present theatre of consequence for the usual winter variety of circus, opera and star dramatic troupes. But for public halls two newly erected buildings offered much convenience on the line of Ninth street. In Lincoln Hall, at the top of the Young Men's Christian Association building, assembled audiences for a performance of "Elijah" by a Georgetown oratorio society, or a reading by the graceful Mrs. Scott Siddons, or a Theodore Thomas concert,

whose conductor, then of rising renown, would supplement Liszt's Symphonic Poem by some Strauss waltz, conducted with *nonchalance*, resisting all encores save for Schumann's *Traumerei*, placed in the programme for repetition. Strangers at the capital and those figuring in Washington society were no great patrons of such caterers for compensation; for the whirl of social receptions and sight-seeing called for expenditures in other ways, while the oratorical combats on Capitol Hill might be witnessed free of cost.<sup>1</sup>

The facilities of Masonic Hall were for an unseated audience; and here, March 5, 1872, a memorable reception was given by government to the visiting Japanese Embassy. Flowers from the botanical garden, arranged in pyramids or <sup>1872.</sup> suspended in baskets of moss, sent out a delicious perfume, accompanied by the tuneful warbling of birds. A large and brilliant company of both sexes was in attendance, representing every class of Washington society, official and unofficial; and Vice-President Colfax introduced the visitors in turn to a long line of little men, black-haired and of olive complexion, who bowed to each one profoundly but uttered not a word.

This welcome of a new and enterprising race from across the Pacific ocean, through visiting delegates, meant far more for the world's civilized intercourse than our people could then imagine. The Mikado of Japan, that semi-religious Emperor in whose presence subordinates of his empire had been wont to grope on their hands and knees,<sup>2</sup> was divesting himself of his sanctity, while sending to western nations an embassy to learn their public methods in order to perfect the reorganization of his own dominions in the routine of administration. Friendly relations he sought besides to establish while renewing commercial treaties. With such objects in view this Japanese embassy, numbering about twenty-six, had landed on the Pacific coast in January of this year, and after accepting

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<sup>1</sup> Author's recollections.

<sup>2</sup> See Seward's *Travels* (1870).

hospitalities at San Francisco and other cities on the way reached Washington in early March. On the 4th they were formally received by President Grant at the White House, under the escort of Secretary Fish. Iwakura, as their spokesman and chief, an intimate attendant on the Emperor, made a speech through an interpreter, after credentials had been presented, and the President responded. An introduction to the cabinet officers and their ladies followed.

Congress had prepared itself for these visitors; and following the entertainment at Masonic Temple, the House of Representatives, March 6, held a formal reception in their honor; a distinction never before accorded, except to Lafayette, Kossuth and a Chinese embassy which Minister Burlingame had brought over, a few years earlier. With our native curiosity and interest aroused to a high pitch of demonstration a terrible crush and crowd appeared in the galleries of the Representatives' chamber, while on the floor a bevy of favored men and women mingled with members, some standing on chairs and desks. Speaker Blaine delivered an address of welcome, to which Iwakura, in his chanting and melodious sing-song, responded, translations being interchanged. By this time the little Orientals were so pressed upon by spectators—somewhat after Gulliver's Brobdingnagian experience—that they seemed uncertain as to whom their bows should be directed, when Banks, who piloted as the House chairman of Foreign Relations, announced their names in a sonorous voice. After the ceremonies had ended a lane was opened through the crowd and under a strong escort the royal tourists filed out, many spectators hustling after and following them to their carriages. Congress, in an excess of good nature had been careless about preserving a dignity over the arrangements.<sup>1</sup>

In view of Japan's later advance as a world's power, its Mikado's wonderful adaptiveness to western methods during a long and eventful reign, and the closer intercourse with America which presently followed, this tour has a last-

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<sup>1</sup> Author's recollections; newspapers.

ing significance; though, at the time, most of us thought it but a passing show. The quickness of this vivacious people to observe and apprehend was noticeable while they were in Washington, as in their later journeying northward to Canada. At the White-House reception members of the embassy wore the native court costume, with purple underskirts, wide black overskirts and sundry decorations; but at the Masonic Hall, the next night, they were in American full dress. Congress had appropriated liberally for their visit and an army general was detailed to take charge of them. They were alert in learning the Washington ways of things and comparing their own personal experiences; they would exchange quarters, shifting from one hotel to another; they tested American dishes, a favorite one being ice cream thickened with hard boiled eggs.<sup>1</sup> In every direction the desire of this remarkable Asiatic race to learn and profit by the ideas and methods of civilized people and civilized society in the western world appeared strongly in evidence.

The national seat of government, in these years of Grant's administration, became the rallying centre of a woman's rights agitation, as never before. States <sup>1869-72.</sup> had hitherto afforded the natural fields for discussion and legislation on a topic peculiarly within the range of independent State control. The supplanting of the old common law of coverture by statutes which secured and confirmed to married women the separate control of their own property, with enlarged facilities afforded the wife for gaining her own livelihood, had by this time been mostly accomplished for the whole Union, after localized struggles of nearly a quarter of a century, and the new effort was rather to advance woman's sphere in the general pursuits of business life and admit her to participate in active politics. Already had women worked their way into government clerkships against conservative opposition; and co-education of the sexes in college, together with the

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<sup>1</sup> Author's recollections; newspapers.

training of female practitioners for the professions of law and medicine, found earnest advocates.

The advancement of woman becomes complicated and perplexing from such novel points of view. Where women outnumber, as in Great Britain and some of our older States, men do not willingly resign the sceptre of masculine authority, such as nature exhibits in the brute animal kingdom. Fortunately for this Union, suffrage and the ballot remain State and not national issues. But the short cut was attempted in January, 1872, when the National Woman's Suffrage Convention met in Lincoln Hall. It was claimed that under the XIVth and XVth Amendments to the Constitution woman was already entitled to vote throughout the Union. A memorial to that effect was laid before the Senate Committee on the Judiciary and argument made, but in vain. The right of women to practice in the Supreme Court was also sought.

Extravagant demonstrations and excess of excitement set back the cause of women's rights in politics from time to time, notwithstanding a gradual advance in the direction desired and persisted in. In these early years the general sense of womanly propriety was offended by the eccentricities of two sisters who gained much notoriety together in the newspapers. They proclaimed their social freedom, set up a Wall street brokerage in partnership, issued a weekly newspaper with a *double entendre* motto, and forced their own leadership upon the would-be suffragettes of the nation, sorely against the wishes of the more conservative of their sex who participated in the movement. One of them proposed herself as female candidate for the next Presidency, and, when scandal was discovered and pointed out in her marital relation, retorted that men do not regard in politics the domestic life of their nominees. The present movement seems to have culminated in the Presidential elections of November, 1872, where some leaders of the cause in New York State actually voted at the polls, and suffered arrest for it.<sup>1</sup>

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<sup>1</sup> Harper's Magazine, January, 1873; newspapers, 1872.

## SECTION V.

## THE TREATY OF WASHINGTON.

The greatest achievement of Grant's two administrations in foreign affairs, at least, was in procuring a reconciling treaty with Great Britain, and under it a full indemnity for the depredations committed upon our commerce by Confederate cruisers built, fitted out or sheltered in British ports in violation of a just neutrality. For this the honor is chiefly due to Secretary Fish, to whom the President left negotiations.

As Charles Francis Adams wrote from Massachusetts, after our Senate's emphatic rejection of the Johnson-  
1869. Clarendon treaty and Sumner's rhetorical speech which figured up a preposterous bill of damages for alleged international misconduct,<sup>1</sup> the practical effect, on our part, was to raise the scale of reparation demanded from England so very high that no chance of negotiation was left unless that country had lost all spirit and character.<sup>2</sup>

Hamilton Fish, who was a man of sedulous industry even at this advanced stage of life, conservative and clear-headed, resolved to attempt his own solution of the difficulties. With the aid of Caleb Cushing, now a practicing lawyer at Washington, he studied the points of international law involved in the controversy and in July, 1869, arranged an interview with John Rose, a member of the Canadian ministry who had large influence in the mother country, in pursuance of which Rose went to England to allay the irritation there among her statesmen and pro-

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<sup>1</sup> *Supra*, p. 162.

<sup>2</sup> "The position," he adds, "in which it places Mr. Bright and our old friends in the struggle is awkward to the last degree." C. F. Adams, Jr.'s *Treaty of Washington*, 103, 104. Bright himself vigorously denounced that estimate, footed at twenty-five hundred million dollars. *Ib.*

mote joint negotiations at Washington for a friendly adjustment.<sup>1</sup>

Such pacifying efforts were slow in producing effect. British animosity was great against the exposition of grievances in the American Senate, while on our own side, Sumner's estimate of damages encouraged a popular belief that by a speedy cession of the Canadas to the United States the bill would be settled, England withdrawing finally from this hemisphere as Russia had done. President Grant himself partook strongly of the rising sentiment here, increased by Fenian disturbances, that the British Dominions north of us ought to join this Union. But when Fish tested such an acquisition with Sir Edward Thornton, the British minister at Washington, while negotiation halted in other respects, that minister, announcing himself as fair and friendly to the scheme, declared that Canada herself did not wish a separation and the mother country could not inaugurate her departure.<sup>2</sup> By November, 1870, Canada was wisely dropped out of discussion, while in the course of amicable interviews our Secretary made it known that if some practical settlement of the claims justly due from Great Britain were reached, an expression of her regret would be an acceptable preface, with nothing further by way of that public apology which our people seemed to think was due them.<sup>3</sup>

Meanwhile the Franco-German war had broken out in Europe and England dreaded lest she might be drawn into the conflict, in which case the maritime precedents

<sup>1</sup> That Fish's own disposition was friendly and pacific appears from a private letter which he wrote in September, to the effect that he would not, if he could, impose humiliating conditions on Great Britain or try to threaten her. He would consider it the greatest glory and happiness of his life, as well as the greatest benefit to his own country, could he only effect a just settlement while he remained in office. *Treaty of Washington*, 125, 126. And see VI. Rhodes, 341-344.

<sup>2</sup> *Treaty of Washington*, 157-162; VI. Rhodes, 354-356.

<sup>3</sup> *Ib.*

of our Civil War, as matters now stood, were sure to be used against her and the ocean (as Thornton expressed it) "would swarm with Alabamas." Taking advantage of that aspect of the situation Secretary Fish drafted a paragraph which the President embodied in his opening <sup>1870,</sup> message to Congress, December, 1870, censuring <sup>December.</sup> Britain's dilatoriness in coming to terms, and proposing that our government should itself examine and adjust the depredation claims of its citizens against the offending country and take the full public ownership and responsibility to procure a settlement.

This Executive menace, plainspoken as though Grant himself had composed it, had a salutary effect abroad and accomplished its purpose somewhat like Jackson's breezy though less diplomatic announcement to France and Louis Philippe, in 1834, under similar provocation of <sup>1871,</sup> delay.<sup>1</sup> On January 9, 1871, just five weeks after <sup>January.</sup> Grant's message had been delivered, Rose reached Washington and in the evening dined with Secretary Fish. An after dinner talk of the two resulted in a confidential memorandum which Rose carefully formulated the following day, after cable communication with London, in a paper which reached our Secretary on the 11th. Upon the basis of its provisions was worked out in due course the memorable "Treaty of Washington"—so styled because, in accordance with Fish's cherished desire, it was formally arranged at our Potomac capital, as in the earlier instance of Webster and Lord Ashburton.<sup>2</sup>

We have seen that all personal intercourse between Secretary Fish and Sumner had ceased, following Motley's peremptory recall from the English mission.<sup>3</sup> But the implacable chairman of Foreign Relations had to be consulted formally in advance, so as to know how far he and his associates of the Senate committee were likely

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<sup>1</sup> *Supra*, Vol. IV., p. 241.

<sup>2</sup> Treaty of Washington, 135; VI. Rhodes, 357.

<sup>3</sup> *Supra*, p. 166.

to co-operate in the delicate and momentous business now to be entered upon. An interview was therefore arranged, through a friendly member, which took place at Sumner's own house on the 15th of January. Sumner's manner was ungracious, and as a result of the consultation he sent to the Secretary, after due reflection, a memorandum of his opinion, which stated, as an indispensable condition of such a treaty, that the withdrawal of the British flag ought to be insisted upon. "To make the settlement complete," he wrote, "the withdrawal should be from this hemisphere, including provinces and islands."<sup>1</sup>

This amazing proposition indicates either that Sumner was unaware of what our Secretary had attempted over Canada already, or that sentiment had captured his good sense, or that he wished to block the present business altogether. The third inference was the natural one; and hence Fish bent his efforts to persuade other Republican Senators of influence, besides fair-minded Democrats, to lend their efforts for counteracting any opposition on his part, should a treaty be sent in for confirmation. Meanwhile, by February 1st, arrangements were concluded with the aid of the Atlantic cable whereby the Alabama claims and all other differences between the United States and Great Britain were to be submitted to a Joint High Commission which should meet at Washington.<sup>2</sup>

The Joint High Commission opened sessions at our Capital on the 27th of February, 1871. Its five British members were: Earl de Gray and Ripon, one of Gladstone's cabinet, Sir Stafford Northcote, a Conservative, Sir Edward Thornton, the British minister at Washington, Professor Mountague Bernard of Oxford University, and Sir John A. Macdonald, the Premier of Canada. The American members were: Secretary Fish, Justice Samuel Nelson of the Supreme Court, Hoar, the late Attorney General, Robert C. Schenck, the minister

<sup>1</sup> Treaty of Washington, 145-147; VI. Rhodes, 358.

<sup>2</sup> *Ib.*, 176-178; VI. Rhodes, 357, 358.

finally fixed upon to succeed Motley at London, and Senator George H. Williams of Oregon. It was a congenial gathering; all colleagues on the best of mutual terms, and each one, whether British or American, anxious that fit results should be reached. Dinner parties, dances, receptions, and a unique Virginia fox hunt, blended with the more serious occupation of the Commission; whose conclusion, reached on the 8th of May, was embodied in the "Treaty of Washington." That treaty settled various points relating to trade and navigation between Canada and the United States, but its more immediate provisions concerned the Alabama claims. With a simple regret, expressed by Her Majesty's government in friendly phrase, for the escape of Confederate vessels from British ports and the depredations they afterwards committed, these claims were referred to a Tribunal of five arbitrators designated whose meeting should be held at Geneva. Three rules, to be held binding hereafter and applied by permission in the present controversy, pledged neutral governments in a time of war to use due diligence as between belligerents.<sup>1</sup>

Three points are strikingly manifest in this Treaty arrangement for which Fish had worked with such admirable skill and address: (1) That the haughtiest and most formidable nation on the face of the globe had been brought to acknowledge, though diplomatically, a wrong committed. (2) That indemnity for the past to the injured nation was stipulated under rules of neutrality stated to be obligatory for the future alone. (3) That a solemn and impressive international tribunal for peaceful adjudication upon national claims highly momentous was here created by mutual consent on a scale hitherto unexampled. In its final operation this Geneva Tribunal proved the sublimest inspiration and example which modern history affords for hopefulness that wars and violence may yet be superseded among nations by peaceful arbitrament and a recognized judicial procedure sanctioning a code of universal law.

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<sup>1</sup> Treaty of Washington, 178; VI. Rhodes, 360, 361.

The Treaty of Washington having been duly signed and found acceptable to Great Britain, the task remained of procuring its confirmation by at least a two-thirds vote in the Senate of the United States. This was duly obtained, in a special session of the Senate convened in May. <sup>May-</sup> Not only did the Committee on Foreign Relations, <sup>July.</sup> as reconstituted with Cameron as chairman, report favorably, but the Senate confirmed, May 24, by the ample margin of 50 to 12.<sup>1</sup> Sumner himself, whose mortifying deposition had occurred while the Joint High Commission was in session,<sup>2</sup> voted with the majority of that body, despite misgivings; whether because conciliated and won over by the sedulous efforts which were made by British members of the Commission and personal friends to flatter and soothe his wounded pride, or, as seems more just to him, because, in truth, he thought the treaty worth accepting in its final shape, and viewed his duty as a statesman should.<sup>3</sup> Appeal was made to patriotic sentiment, British and American; our Senate confirmed on the anniversary of Queen Victoria's birth; ratifications were exchanged in London on Bunker-Hill day, June 17; and President Grant made proclamation on the 4th of July that the treaty had gone into full effect. These coincidences of date were not wholly casual.

For the Geneva proceedings which duly followed, Great Britain appointed Chief Justice Alexander Cockburn arbitrator for that government; and the United States correspondingly, Charles Francis Adams. The three neutral arbitrators, named by the King of Italy, the President of the Swiss Confederation and the Emperor of

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<sup>1</sup> The treaty was sent to the Senate May 10, 1871.

<sup>2</sup> *Supra*, p. 168.

<sup>3</sup> A hearty hater," says Mr. Adams truly, "and unsparing of denunciation, he hated and denounced on public grounds only; his standards were invariably high, and he was ever actuated by a strong sense of obligation." Treaty of Washington, 187. To President Grant, however, and Secretary Fish, Sumner was never reconciled. *Ib.* See VI. Rhodes, 362, 364.

Brazil, respectively, were Count Sclopis, Jacques Staempfli and Viscomte (or Baron) d'Itajuba. Lord Tenterden was the British agent, with Sir Roundell Palmer for counsel. J. C. Bancroft Davis, lately our assistant Secretary of State and close in Fish's confidence, served for the United States, with William M. Evarts, Caleb Cushing and Morrison R. Waite for counsel. The Tribunal opened its sessions at Geneva, December 15, 1871; Sclopis being chosen to preside. Agents for the contesting governments presented each his case; and with an order that the counter cases be delivered by April 15, 1872, the Tribunal adjourned until the 15th of June following.<sup>1</sup>

1871, Dec. - 1872, June. Under the Treaty of Washington the British ministry had gained already what it most desired in the adoption of maritime rules of neutrality for the future which were available in the Franco-Prussian war—a conflict of arms by this time nearing its climax without involving other European powers as feared at first. But what our own government had most at heart—reparation for the ocean ravages of vessels committed under British dereliction during our Civil War—was nearly lost to us. The case of the United States, as drawn up and presented by our agent, was too acrimonious in tone, too insistent upon wrongs remote from the point at issue, to suit well the occasion. That document made complaint of England's belligerent recognition, in May, 1861, as the initial point of grievance, and asked a money indemnity far beyond the simple recompense for damages committed by the Confederate cruisers built, equipped or escaping to sea through want of due diligence on the part of that government. In fact, indirect damages were claimed from Great Britain, such as Sumner advocated in the American Senate and the Joint High Commission had meant to avoid.<sup>2</sup>

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<sup>1</sup> VI. Rhodes, 364.

<sup>2</sup> *Ib.*, 364-366. "A conscious unfriendly purpose to the United States" was here proclaimed as to the belligerent recognition in May, 1861. On that point *cf.*, my vol. V., 114. It was an

Whatever may have been Davis's motive in asserting claims too broad to have been admissible, as counsel for the plaintiff, Chief Justice Cockburn's anger over that assertion was manifest at once and the British press and public made such wrathful protest over America's unexpected demand that the Gladstone ministry came near an overthrow in Parliament, with the utter wreck of the Geneva Tribunal as a sure consequence. Fortunately, at this crisis America had in Charles Francis Adams an arbitrator, judicious, sensible, and better informed of the real merits of the case than anyone else at Geneva. Influenced by his counsel and upon Gladstone's direct proposal our Senate amended the Treaty so as to waive all claims for "indirect losses" before the Tribunal; and the new expression being thought somewhat vague, Adams, with Justice Cockburn's concurrence,<sup>1</sup> led the Tribunal to make a formal announcement, June 19, that claims for indirect damages would be ruled out of consideration. Upon that announcement the case proceeded and the evidence was submitted; and on the 20th of September a gross sum, amounting to \$15,500,000, was awarded to be paid by Great Britain to the United States for damages committed upon our commerce by the *Florida*, *Alabama* and *Shenandoah*, in consequence of England's failure to exercise due diligence for the enforcement of her neutrality. This sum in gold the British government paid over to the United States without further contention, in honorable acceptance of an arbitrament to which it had stood pledged. The hero of that Tribunal was Charles Francis Adams, as Mr. Rhodes has well observed; and the laurel thus won

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indiscreet assertion to make; but to prove or disprove the British ministry's motive here was not easy. It should be borne in mind, however, that England's belligerent attitude was in pursuance of a joint understanding with France, whose Emperor certainly had an unfriendly purpose.

<sup>1</sup> But Cockburn, well known upon the English bench as a headstrong though capable judge, dissented from the award as finally made and refused to sign with the arbitrators.

may be pronounced the last and choicest of his whole illustrious career of national service, since reparation here meant an official vindication and triumph to the fullest extent.<sup>1</sup>

## SECTION VI.

### REPUBLICAN PARTY DISSENSIONS.

Two years of Grant's first term, to the high meridian, were enough to dispel the illusions of expectancy which had dappled its sunrise. The far-famed hero of so many battlefields was seen to be, in civil life, much like the average American, in tastes, pursuits, and general qualifications for public supremacy. He had already proved a dire disappointment in the Presidency. <sup>1870-71.</sup> "The wreck of General Grant's fame," wrote a prominent journalist in 1870, "is a national misfortune. That fame was a national possession, and it was the best people of the country, those whom he is now repudiating or refusing to rely on, who built it up by giving him a hearty and unfaltering support in the fields and at the polls."<sup>2</sup>

Grant's want of earnest purpose and high endeavor while Chief Executive,—his tendency to materialism and the commonplace, both socially and politically—was shown in the numerous cabinet changes which occurred during the eight years of his incumbency. Few administrations have shown such a record in that respect. That of Jackson affords a parallel; but Jackson displaced and filled from motives of political strategy, while Grant's changes, when compelled by him and not purely casual, were hard to explain upon any assumption of a profound or even a just purpose. Of all his many department counsellors, Fish, the premier, was the only one who served throughout; and he did so, much against his own wishes, from considerations

<sup>1</sup> See in fuller detail VI. Rhodes, c. 38, in connection with the learned and luminous essay on the "Treaty of Washington" by Charles Francis Adams, the son and namesake of Minister Adams. See also I. Moore's International Arbitrations, 628-652.

<sup>2</sup> N. Y. Nation, Nov. 17, 1870; VII. Rhodes, 377.

of the public welfare and because Grant leaned heavily upon his social importance as an asset he could not afford to part with.

Fish earned and fully deserved the personal respect and friendship of his chief. But two other strong men of the earliest council, also well deserving, Hoar and Cox, were less fortunate. Each of these found himself forced out before the autumn of 1870 had ended, for causes by no means creditable to his chief.

Hoar's displacement came first in order, during the month of June. Without warning or giving reasons of any kind, the President, one day, in a letter delivered by a White House messenger, asked formally the Attorney General's resignation; and Hoar, not to be outdone in curtness or mystery, sent back a brief letter of compliance. That Grant meant by this no discipline or withdrawal of his confidence seems assured by the fact that, a few months later, Hoar was one of those selected to serve upon the Joint High Commission.<sup>1</sup> The official change was probably an incident of Grant's baleful effort to crowd his San Domingo purchase at this time through a reluctant Senate.<sup>2</sup> Some carpet-bag members of that body from Southern States whose support was desired, asked in return a Southern representative in the cabinet; and hence Amos T. Akerman of Georgia was taken to supplant E. Rockwood Hoar as Attorney General. Akerman was a lawyer of good local reputation and personal qualities, but with no national standing in his profession. He occupied the place for about a year and then modestly retired, as little known to the country as when he assumed his official duties. It is true that, with Boutwell added to Judge Hoar when this administration took up its task in earnest, Massachusetts had two members in the cabinet, for which reason Hoar had given the President to understand that his resignation would be forthcoming when desired. True, also, the appointment

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<sup>1</sup> *Supra*, p. 197.

<sup>2</sup> *Supra*, p. 164.

of Hoar with Stanton to the Supreme Court, was meant to solve embarrassment upon that point. Hoar, however, had by that time made himself so unpopular with the Senate that he was not confirmed; and one reason was that, for the nine Circuit Court Judges authorized by statute, he had selected the best men he could find regardless of party politics or the preference of Senators. The President upon Hoar's expert report had accepted the list, which, in fact, was so good that the Senate could not oppose it; but members who were piqued combined to reject Hoar's higher appointment which soon followed.<sup>1</sup> This son of New England, it must be confessed, was wanting in tact and smoothness of intercourse, and, though kind-hearted and affable among friends and neighbors who understood him, he showed in his conversation a caustic quality which offended men less bright and apt at repartee than himself. For the atmosphere of this Washington life, where influence counts constantly, whether of saints or sinners, and a public man be he polished or as rude as the buffalo exacts deference, if not upon his own merits, at least because of his constituency, he was not well adapted upon a first acquaintance. But Hoar was a man of sterling qualities, true as steel, efficient and incorruptible.

Cox's resignation followed Hoar's in October, and was due more immediately to his collision with spoils-men of the Republican party high in influence. He had introduced competitive examinations into the bureaus of his Department, and protected his subordinates against political assessment for the elections. To Cox, by promotion from an important post in the Treasury, succeeded Columbus Delano, another Ohio man, who was a capable administrator but by no means the peer of his predecessor either in broad experience or personal character.<sup>2</sup>

With changes like these two Grant's administration moved in the direction of mediocrity. Cabinet counsellors of this new calibre would inspire less than defer in dull-

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<sup>1</sup> VI. Rhodes, 377, 380, with citations.

<sup>2</sup> *Ib.*, 381, 382.

ness. Of Congressional mentors and spokesmen influential with the President, Conkling, Morton, Cameron and Chandler grew into prominence among Republican Senators, while, in the House, Butler became Grant's especial champion. All these were for a vigorous use of party patronage to win a party victory, and the President yielded much to their views and methods.<sup>1</sup>

Of that Congressional clique, Roscoe Conkling was perhaps the most potent and promising; a man of great talent, though Morton, who had changed from conservative to radical in his reconstruction views, surpassed him in energy and decision of character.<sup>2</sup> A Senator from New York at this time, and in the prime of physical health and manhood, with reddish hair and a sandy complexion, he was vain, of handsome figure, highly attractive in manners when he chose to be, and fond of society. With decided ability and fair legal attainments in his favor, he had choice family connections besides, for his father had been a respected district judge of the United States with a wide social acquaintance and Governor Seymour was his brother-in-law. But there was a waywardness about him, a want of diligent application to things worthy of a statesman's study, and he showed himself in these years a sort of Alcibiades in public life. He was wont to sneer at civil service reform as "Sunday school politics," and a saying

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<sup>1</sup> Butler got a scapegrace nephew appointed as consul-general to Egypt, whose dissolute behavior made there a diplomatic disgrace. Author's recollections.

<sup>2</sup> Oliver P. Morton had a remarkable record. As war governor of Indiana, prompt, vigorous and watchful, he was of inestimable service to the Union cause. He had a paralytic stroke in 1865, for which he sought treatment in Europe. Upon his return home in 1866 he made a powerful political speech and was sent in 1867 to the United States Senate, where he served for the rest of his life. Though unable to stand without a support while taking part in proceedings, his mental vigor was unimpaired and he showed himself for ten years a leader in debate and active in shaping public measures. A second stroke of paralysis caused his death in 1877, shortly after Grant's term of office had expired.

of his gained circulation that our people like best a statesman who has "a gamey flavor." Despite the excellent things expected of him in Congress, Conkling originated no measure worthy of him, but was chiefly bent upon fighting to control the petty patronage of his empire State; an ignoble ambition which under a later President led, through his own self-conceit, to his final political undoing.

At the present time there were two rival factions among the Republicans dominant in New York State,—one led by Conkling and the other by Fenton, lately the governor and now his colleague in the Senate. Conkling induced President Grant in 1870 to give the custom-house collectorship at the port of New York to a henchman, "Tom" Murphy, thereby supplanting Moses H. Grinnell, a respectable merchant, who had been thought too slow in distributing "the plums," though a good gatherer of the revenue. Murphy, a machine politician of vulgar instincts, who had grown wealthy from public contracts and liked fast horses and "good fellows," did as Conkling desired, from the moment he took possession. He made three hundred and thirty-eight removals at the custom house, or three for every five days, during the eighteen months his scandalous rule there lasted. No collector of this leading port, it was said of him, had ever been more destitute of fit qualifications for the office.<sup>1</sup>

The election results of 1870 showed a decided Republican loss at the polls, and for the first time since 1864 that party lost its two-thirds control of a new House, though still in the majority. Grant, perceiving that the people were loudly demanding a reform in the civil service, partly because of the occurrences already related, now announced 1870, Dec. 5-1871, March 4. his advocacy of that issue in his opening sage to Congress in December. "The present system," he said, as though a calm observer, "does not secure the best men, and often not even fit men, for public

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<sup>1</sup> VI. Rhodes, 383, citing D. B. Eaton's report; current newspapers.

places." Ex-Secretary Cox in a magazine article,<sup>1</sup> which opportunely appeared, pressed the same idea with the full weight of his recent official experience. The new proposal was to limit the Executive range of selection among candidates for the lesser offices of government and make examinations competitive in a genuine sense. Such was the purport of bills introduced in the House by Jenckes of Rhode Island—an early champion of reform who had just lost a re-election—and in the Senate by Carl Schurz. Neither measure passed; but, with the aid of Trumbull of the Senate a provision was inserted in one of the appropriation acts, near the close of this session, which empowered the President to appoint a Commission for regulating the whole subject. Of this the President availed himself; and with George William Curtis of New York as chairman, a citizen of literary fame and culture who felt much interest in this movement, the commission framed some excellent rules for placing the civil and consular service of the nation upon a basis of competitive merit, besides doing away with the mischief of political assessments upon the holders of office under government.<sup>2</sup>

When the 42d Congress began its long session in December, 1871, the President by special message announced his purpose to put these rules in force on the first of <sup>1871-73.</sup> January ensuing and asked the support of Congress for carrying out the reforms projected. But Congressmen were not at heart favorable to the civil service reform, in those days; and members preferred to distribute party spoils as before. After a grudging appropriation or two for maintaining the "Advisory Board," as it was called, Congress ceased furnishing support altogether. Grant, whose effort seems to have been to ride two horses at once while a Presidential canvass was pending in 1872—for his closest advisers in the two Houses were strongly set against this business, together with Boutwell and others of cabinet prominence, while his own misuse of the patron-

<sup>1</sup> North American Review, Jan., 1871.

<sup>2</sup> Act March 3, 1871; VI. Rhodes, 387.

age mended but little—failed to urge the reform after his re-election, and the Commission, whose members served at times without compensation, faded out as we shall see, and expired with the next succeeding Congress. Grant had not the root of earnestness in this matter, and, though claiming after its failure that he had given the experiment a fair and honest trial, he never carried it heartily into practice nor set, as he should have done, the Presidential example of appointment on meritorious considerations.<sup>1</sup>

Grant's feeble endeavor at reform in the patronage was partly due, we may suppose, to disappointing results of the mid-term elections and his own growing anxiety to be renominated and re-elected in 1872. Though crude in his knowledge of the principles of government, indisposed to study, and with political opinions hastily formed and loosely held, he liked much to be President. And while the year 1871 began with his administration sunk in great discredit, it rose in popularity with the new success of the British negotiation and the bright promise of reform afforded by the Curtis Commission. Grant's Republican partisans now bestirred themselves on his behalf to pave the way for his re-election to a second term. Morton, in the early spring of that year pronounced boldly for renominating him in 1872 as the party candidate. Forney of Philadelphia, with his "two newspapers, both daily,"<sup>2</sup> related in print how Grant, upon his acceptance of the Republican candidacy in 1868 had expressed his wish to be re-elected, in view of the life office as General

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<sup>1</sup> VI. Rhodes, 387-390, citing Curtis, D. B. Eaton, J. R. Young, etc. And see next chapter. Grant is quoted as saying, when ex-President (in almost the same words that Morton had used in the Senate when opposing reform), that he believed our civil service in this country as good as any in the world. "There is a good deal of cant about civil service reform," he added, "which throws doubt upon the sincerity of the movement." *Ib.*, 390.

<sup>2</sup> That published in Washington, "The Chronicle," was presently discontinued.

commanding, which he had relinquished at the call of his fellow-citizens.<sup>1</sup>

These were times when the good and evil elements in American society struggled for the mastery, and much was accomplished and more attempted, both in politics and business, for purifying a tainted atmosphere.<sup>2</sup> To the fall elections of 1871, which showed, on the whole, a decided improvement in the Republican prospects, a chastening effect was given by a great fire in Chicago, which broke out on the 7th of October, and raged with fury over a Sunday, laying waste an immense area, which, with buildings, from the meanest wooden tenements to costly and substantial erections in the business heart of the city, was swept by billows of flame that consumed and spared not.<sup>3</sup> Civic energy in this country is courageous and organized recuperation comes quickly. The year following Chicago's visitation saw one-third, at the least, of the value of destroyed property restored. New business buildings arose from the ruinous heaps, grander, more substantial, and artistically finer than ever before. The vast industries of that boastful but enterprising community were more than re-established.<sup>4</sup> And here let us note that Boston, in 1872, just after the Presidential election, had a similar visitation in a fire, lasting over Sunday, which broke out

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<sup>1</sup> Newspapers. Though a savage assailant of Secretary Cox and a reviler of civil service reform as "sickly sentimentality," editor Forney was appointed collector at Philadelphia.

<sup>2</sup> See VI. Rhodes, 392-411, as to the Tweed ring in New York city and its overthrow in 1871-72. There, too, the notorious Fisk, in early 1872, was shot by an angry husband while on one of his libidinous prowls; while Gould, during that same year, was turned out of the Erie railroad directorate, and by a civil suit, which he settled, made to restore plundered property to the stockholders, worth from six to nine million dollars. Newspapers, 1872.

<sup>3</sup> Harper's Magazine, Dec., 1871; Horace White's detailed narrative in 9 Great Epochs, 135. And see VII. Rhodes, 48. 17,500 buildings were destroyed by this fire and 100,000 people made homeless. The loss of property was figured at 200 millions.

<sup>4</sup> Harper, December, 1872.

in the evening of November 9, and in its destructive course burned over a large part of the wholesale and financial quarter of the city, melting solid granite buildings in fervent heat, and inflicting a business loss of \$73,000,000, though few dwelling-houses comparatively were consumed.<sup>1</sup>

Following the political gains of 1871 Grant improved the occasion to pacify the censorious of his party by making some political changes for the better. Murphy resigned his collectorship in New York City, though not without a written assurance of the President's esteem and confidence; Forney followed the example in Philadelphia, stating that he relinquished office in order to give Grant a more untrammelled support for re-election. To Murphy succeeded another and a worthier partisan of Conkling, Chester A. Arthur, a man whose destiny it was, a few years later, to become President of the United States, through casual promotion from Vice-President—in both of which stations he bore himself with unexpected dignity, composure and discretion, earning the gratitude of the people. Murphy's present departure disclosed a new scandal in the public patronage which came closely to the White House and the military coterie nestled there. Leet, a young army officer, who messed in these years with the President's military staff, had borne to collector Grinnell, in 1869, a personal letter from Grant himself, which procured for him a lucrative monopoly of custom-house teaming known as the "general order business," whose profits he farmed out while living still in Washington and drawing his army pay. The President, though innocent personally of wrong, was slow to break up the sinister arrangement after it was brought to his knowledge. Leet took his profits all the time that Murphy was collector; but upon Arthur's accession, directions issued through the

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<sup>1</sup> Newspapers; Annual Cyclopedias, 1872; VII. Rhodes, 48. Civic energy here again repaired losses quickly and relieved the destitute. But, unlike Chicago, Boston stood upon its local pride and refused financial aid from distant fellow-countrymen.

Treasury that this "general order business," of which New York merchants were complaining as an extortion, should be abolished, and under Arthur another and a better system took its place.<sup>1</sup>

The discontent which had been fomenting within the Republican ranks ever since Grant's Presidency began, broke out into open revolt by the time that his purpose to stand for a second term became manifest. This was partly caused by dissatisfaction with him as Chief Executive, and partly by the harsh proscription of ex-rebels which his staunchest supporters in Congress had insisted upon. It was on the latter branch of discontent that Republican dissensions began; and the first schism came in a Missouri convention of the party held in August, 1870, following which the liberal element repudiated the 1870. radical ticket and by a fusion with the Democrats of the State elected B. Gratz Brown governor upon a platform of re-enfranchisement and amnesty for Missouri's ex-Confederates. Carl Schurz of the Senate, already becoming estranged from the President on other issues, had sided with the Brown liberals in his State; while Grant, unwilling that Federal office-holders in Missouri should remain neutral in the canvass, as Schurz desired, made wholesale dismissal of all who did not support the regular Republican candidates.<sup>2</sup>

A later Missouri convention, which met at Jefferson City, January 24, 1872, issued a general call for all Republicans throughout the Union who were opposed to 1872. the present administration and in favor of reform to meet together in mass at Cincinnati on the first Wednesday of the following May. "Liberal Republicans," as they styled themselves, had, during the previous year, formed executive committees in Ohio and Missouri for the present movement. And this Western invitation of 1872 was followed by a responsive document, printed and

<sup>1</sup> N. Y. Nation, January, March, 1872.

<sup>2</sup> Newspapers, October, 1870.

circulated broadcast among Eastern Republicans, which as published contained many distinguished signatures. Independent presses through the North, of Union-Republican antecedents, gave strong support to this party revolution, some of them with bold approval and others guardedly. Many patriotic Americans who had helped make Grant President gave in their adhesion to the cause of reform as promulgated. By a grand rally of the people to the liberal standard they hoped to bring in a new era of peaceful, honest and dignified government with conciliation of the sections, such as could only be reached under some other chief administrator than the present one.<sup>1</sup>

Mass meetings of independent citizens held in various Northern centres preceded this Cincinnati convention of

May. May 1st, which in itself seemed more a spontaneous gathering of thoughtful and public-spirited voters hitherto classed with party Republicans, than an assemblage of delegates bearing written credentials. Carl Schurz, whose forceful zeal and eloquence had done much to bring such reformers together, was made permanent president of the convention; an honor all the more gracefully borne, inasmuch as foreign birth excluded him positively from competition for the nation's supreme honors. The ideal candidate to oppose here to General Grant for next President was certainly Charles Francis Adams, who had just left the country for Geneva, signifying that he would accept a nomination if tendered him in a spirit of confidence in his record and character, but not otherwise. The next acceptable candidate to sincere reformers was

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<sup>1</sup> VI. Rhodes, 412, 413. Among those who early announced their approval of this new movement were ex-Secretary Cox and Stanley Matthews of Ohio; Senator Trumbull and Governor Palmer of Illinois; Governor Blair of Michigan; and Frank Bird and General W. F. Bartlett of Massachusetts. Among favoring presses were the Chicago Tribune, Cincinnati Commercial, Springfield Republican, N. Y. Nation, N. Y. Evening Post and (except for tariff reform) the N. Y. Tribune.

Lyman Trumbull, whose period of national service closely coincided with that of Adams, and whose favor to the present movement presaged a final exit from politics should it fail of success. A man of slight build, who wore spectacles, modest and quiet in demeanor and of kindly manners, Trumbull, in his Senatorial career, which covered a whole historic era, was in speech and vote one of the most fearless and conscientious as also one of the wisest of all legislators at Washington. In the printed record of some twelve immortal years he stands forth a giant in debate, morally and intellectually and one would have thought physically as well, and, recognized by this time as possessed of one of the best legal minds in Congress, he showed, what is rare enough among lawyers who engage in party politics, the quality of clear discrimination.

Adams led upon the first ballot for Presidential nominee, but on the sixth Horace Greeley, who had polled next in order, received the majority vote of the convention; and this largely because of a bold speech interjected by Gratz Brown, who withdrew his own candidacy in favor of "the man most likely to win," as he expressed it. Brown next gained for himself the second place on the ticket, as nominee for Vice-President. The spontaneity of this convention and its responsiveness to sudden appeals while too little organized for a contest over candidates proved thus its positive undoing. For while Greeley had undoubtedly elements of popular strength, such as might well have availed under different circumstances and in some other connection, the idea of expecting such a civilian to draw our common voters from the great military hero of the age was absurd; while they who had really nursed this liberal movement were too clear-headed to trust any leadership in opposition but that of some dignified and experienced statesman sure to introduce reforms in bestowing the public offices. Already, in order to assure his editorial support to the cause, had this convention compromised on tariff reform in its platform—since the *New York Tribune* was immovably for the old Whig policy of protection,—by adopting a neutral resolution which left that whole subject

to the people's representatives in Congress without Executive dictation.<sup>1</sup>

This Cincinnati convention was almost an admitted failure when its session ended; and the Liberal Republican movement, whose glorious morning had opened with enthusiasm, passed into the penumbra of a probable defeat. Greeley, whose whims and shifty impulse in both politics and philanthropy as practically applied, had been familiar enough to his fellow-countrymen for the past thirty years, was by no means "our later Franklin," for that shrewdness and common sense in the higher range of public direction which our earlier journalist possessed; but a philosopher and philanthropist of asseverations much too strong, of honesty and genuine benevolence, easily imposed upon; one who took up with the latest "isms" and, as for civil service reform, had lately affiliated politically with Fenton's set of vulgar heelers and place-hunters who differed only from the Conkling gang in that, through Presidential favor, the latter held the local offices while the former struggled to gain them. Greeley, through these many years, had, to be sure, proved himself strong, perhaps the strongest and ablest, among our editorial writers, and the newspaper he founded was a power in the land for righteousness; yet, on passing points of practical direction, he had shown himself censorious and impatient with each successive President of the Republican party, giving bad advice upon the immediate course to be pursued. And once more, his well-known peculiarities of person provoked mirth more than admiration.<sup>2</sup>

On the Southern situation, however, Greeley was in real and hearty accord with this Liberal Republican movement. He sincerely wished the speedy reconciliation of North and South and sought generously to promote it. While favor-

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<sup>1</sup> VI. Rhodes, 412-422.

<sup>2</sup> See W. H. Rideing's *Celebrities*, 48, as to Greeley's white hat and the trousers he wore with one leg turned up and the other down. Though kindly disposed, as he adds, Greeley was of irritable temper, shrill-voiced and profane when aroused, wearing the aspect of a benign philosopher while oaths flew from his lips.

ing immediate suffrage for the Southern negro he had urged a generous political amnesty for the vanquished whites. He had gone surety on Jefferson Davis's bail bond. In his letter which had accepted the Cincinnati nomination he urged North and South "to clasp hands across the bloody chasm," a ringing phrase which became famous. All this warmed the hearts of ex-Confederates towards <sup>July.</sup> him; and when the Democrats met in convention at Baltimore, July 9, they made a notable attempt at fusion in politics on a national scale by adopting both the platform and candidates of these Liberal Republicans by a vote which approached unanimity.<sup>1</sup>

Meanwhile the regular Republicans, who now controlled all the party patronage and machinery, had met in convention at Philadelphia on the 5th of June. Judge Thomas Settle of North Carolina presided. Grant, the inevitable candidate, was renominated for President <sup>June.</sup> on the first ballot by a unanimous vote. Senator Henry Wilson of Massachusetts carried the convention for Vice-President; a party campaigner and political forecaster of wide experience, whose present selection was a shrewd offset to his rebellious colleague, Sumner, who, though hitherto uncommitted on the Liberal Republican movement, made speeches at the capitol more and more studiously virulent against the President. The Philadelphia platform pronounced distinctly for a protective tariff policy by contrast with that at Cincinnati, and herein showed superior sagacity.<sup>2</sup>

With the campaign contest thus narrowed to a Presidential choice between Greeley and Grant, leaders in our politics were forced to declare themselves for one candidate or the other. Most Republicans who had been prominent at Cincinnati supported Greeley and Brown, as honor prompted, whatever may have been their secret chagrin or misgivings. Schurz and Trumbull had already

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<sup>1</sup> VI. Rhodes, 429. The Liberal Republican platform was adopted by 670 to 62; and Greeley received on a single ballot 686 votes out of 732.

<sup>2</sup> *Ib.*, 426; Harper, August, 1872.

taken the stump for that ticket. Sumner, in a letter of June 29 which was published, advised colored citizens who had consulted him to vote for Greeley, as unquestionably their surer trust. Democrats, moreover, both North and South, stood firm in their singular alliance, as a whole. Greeley himself gratified the people's curiosity to see and hear him, by making a tour of the great October States and elsewhere, addressing vast audiences with excellent discretion and seemingly arousing enthusiasm to a degree quite unexpected. Though some fellow Republicans disliked a Democratic indorsement, yet, on the whole, Greeley was helped by it.

But the election results showed that popular crowds, eager to see and hear a candidate, afford by no means a criterion of the popular vote. Grant's silence prevailed over the choicest oratory of his opponent. Among independent presses of standing which at first had welcomed the Liberal Republican movement, the *Post* and *Nation* of New York, whose conductors knew Greeley only too well to trust him in Presidential authority, repudiated him as a standard bearer and gradually came back to Grant. The State election of August in North Carolina, whose omens had been anxiously awaited, brought dubious results. Next, the great State elections of October 8th, following a suspense increasingly anxious, shattered the best hopes of the Liberal party coalition in their announced results. For both Ohio and Pennsylvania were carried by the Republicans with large majorities, and while in Indiana ex-Senator Hendricks, a Democrat of exceptional strength there, won as governor by a small margin, a Republican triumph on the Presidential issue was presaged. Finally, by Tuesday, November 5th, the popular poll throughout the Union brought a sweeping national victory to the regular Republican candidates, and the Liberal Republican revolt, which meant so well and had begun so promisingly, went down, with its Democratic alliance, to an irreparable and overwhelming defeat.<sup>1</sup>

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<sup>1</sup> See at length VI. Rhodes, 412-440, with citations.

## SECTION VII.

## GRANT RE-ELECTED PRESIDENT.

General Grant's re-election to the Presidency was by an immense majority, whether reckoned by votes of the electoral colleges or by the popular vote cast at the November polls. The Greeley ticket had prevailed in only six States, all belonging to the slave section of an earlier era.<sup>1</sup> In Pennsylvania ex-Senator Buckalew was defeated for governor by John F. Hartranft who had fought in the Civil War, while in New York State, General Dix, who was brought from retirement at the age of seventy-five, to oppose Francis Kernan, won by a handsome vote. Both Buckalew and Kernan, who bore similar defeat, were Democrats of the best type in personal character and popularity.<sup>2</sup>

The forces that fought for Grant most effectively were by no means the organized holders of official patronage and the party machinery, though these rendered their share of assistance. For the solid business and financial interests of the whole country gave him their firm support, dreading what might come to pass under a change of administration, with an Executive such as Greeley to direct, to say nothing of the reactionary influences under a Democratic fusion. Pennsylvania was not to be won by half promises of a protective tariff in the Liberal platform, when the regular Republicans promised protection absolutely. And as for civil service reform, Grant's new relation to the cause promised amendment of present errors in awarding the patronage; besides which the new treaty with Great Britain and Boutwell's able conduct of the Treasury were achievements which brought praise to the chief. Moreover, the lustre of a military hero, especially of one who has redeemed the nation, can rarely suffer eclipse from anything short of some later military disaster, since mere

<sup>1</sup> See Electoral Tables, Appendix.

<sup>2</sup> VI. Rhodes, 437.

civil shortcomings on his part will be leniently regarded and tolerated. At all events, as voters said, we now knew the worst of General Grant and the country still prospered; and this to the majority of Republicans was reason enough for re-electing him, as he evidently wished they would.

It is not likely, under all the circumstances, that any one among the Liberal Republicans could have overcome the present regular candidate of the party historically famous, even though Liberals were allied with the well-organized Democracy. That movement, so auspicious in its inception, weakened as the national canvass went on and must have done so under any nominee. For in 1872 Congress legislated prudently while the Executive put forth his best efforts. Perhaps under some candidate like Adams or Trumbull, whose election would have assured a discreet conduct of affairs, the combined opposition might have reduced the Republican strength for the next succeeding Congress. As the elections went, the regulars of the party regained two-thirds of the House, though the Senate appeared closely divided. Indeed, the disastrous outcome of this Liberal movement remitted to a lasting retirement many virtuous and honorable citizens in public life whose support had been given to party revolt from the highest sense of duty.<sup>1</sup>

In one respect, nevertheless, Horace Greeley's candidacy and the excellent personal canvass he made had one permanent effect. Southerners who realized the genuineness of his sympathy came to the support of a Northern emancipator upon a platform of renewed brotherhood where even racial distinctions were for the time forgotten. Hence that political fusion of 1872, disastrous though it proved, has been praised by a judicious survivor on the Southern side as a highly beneficial episode in national politics, for

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<sup>1</sup> VI. Rhodes, 438, 439. Richard J. Oglesby, Republican, was chosen governor of Illinois and presently succeeded Trumbull in the Senate. The Indiana legislature, which proved Republican, re-elected Morton as Senator.

it broke the crust of Northern prejudice and gave proof that the Southern people desired sincerely to get rid of sectional issues and all controversies arising out of the war.<sup>1</sup>

A pathetic sequence of the November elections was Greeley's own death, following quickly his heart-broken disappointment over the results. Already worn out by his speech-making tour, and nightly vigils at the bedside of his wife, who died shortly before election day, he took up the editorial pen once more after his defeat to resume the customary routine of life. But "the rack of this rough world" could stretch his frame no longer, and on the 29th of November he passed from life. When the electoral colleges met, soon after, to make the choice of President and Vice-President, as the Constitution provided, the Greeley State electors unpledged, uninstructed, and without national concert, scattered their ballots for President variously; and the coalition champion, already slumbering in the grave, did not and could not go upon historical record with a single electoral vote cast for him.<sup>2</sup>

Labor reforms and labor agitators had in these years been struggling for political recognition. At a national labor convention, held February 22, 1872, at Columbus, Ohio, Justice David Davis of the Supreme Court of the United States was nominated for President and Joel Parker, governor of New Jersey, for Vice-President. It was a respectable ticket, headed by a man of wealth; but the platform was one of platitudes and organized labor made but little impression in the canvass. Besides the natural wish to reduce the hours of labor while getting higher pay, such reformers had made various demonstrations of late against the importation of Chinese cheap labor for mining and building railroads. Labor unions too, were forming for one pursuit or another. In Massachusetts the labor agitators nominated Wendell Phillips for governor in 1870, but the State went Repub-

<sup>1</sup> Benjamin H. Hill, cited in VI. Rhodes, 439.

<sup>2</sup> See *Electoral Tables*, Appendix; and see VI. Rhodes, 439.

lican by a heavy vote. Coal riots broke out in 1871 in Pennsylvania, and Irish, Welsh and English unionists attacked non-union men with such violence that the governor had to call out the militia. Strikes of trade mechanics also occurred in various States, and in September of the same year twenty-five thousand working men met in New York city to demand an eight-hour labor law.<sup>1</sup>

The public conscience had been strongly stirred, during the Presidential canvass, for promoting righteousness in politics. While reverence shielded the consummate hero from reproach, our people felt by no means sympathetic towards the present party leaders of debasement. As in State and municipal government there were those who thrived upon corruption, until honest citizens combined to turn on the light of public exposure and mete out retribution, so, too, in our social and business world, following the upheaval of a bloody strife with its attendant train of evils,—sudden wealth or misfortune, greedy speculation with depreciated currency under a variable gold standard, and that Satanic enterprise which seeks its ends by debauching judges and legislators,—virtue grappled constantly with vice, the purifier with the fraud promoter. Already in Congress had a carpet-bag representative from South Carolina been expelled from the House for selling cadet appointments, despite his defence that the money was used to aid party politics and not his own purse; and Logan, largely because of the part he took in pursuing that transgressor, gained promotion to the Senate. And in that dignified branch of the national legislature, a Senator from Kansas, well-known in Washington as a promoter of railroad subsidies, now lost his re-election for attempted bribery in the legislature of his State.<sup>2</sup>

Two absorbing incidents in the closing session of the present Congress showed the sensitiveness of the people to misdeeds of their chosen servants at the very moment of a party victory: (1) The Credit Mobilier exposure: (2) The “salary grab” enactment.

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<sup>1</sup> Newspapers, 1871-72.

<sup>2</sup> *Ib.*; author's recollections,

(1) Investigation of a campaign report involving prominent members of the Republican party, was ordered by the House at Speaker Blaine's instance, without a dissenting vote, on the very day that Congress reassembled in December. That investigation, which concerned a corrupt distribution of Credit Mobilier stock by Oakes Ames, one of the members, occupied nearly the whole of the session and was fearlessly conducted and reported upon, by a committee of five, headed by Luke P. Poland of Vermont. This Credit Mobilier was a fiscal corporation which had been made an adjunct of the new Union Pacific Railroad, through the adoption of an earlier Pennsylvania charter. The object was to lend means and energy for building that railroad completely to a finish at a time when the immense capital needful for such an enterprise could not otherwise be easily raised. Ames, a Massachusetts man, embarked his own individual wealth and credit heavily in the daring achievement of this transcontinental undertaking; so that in one sense he might have seemed, as he really regarded himself, a public benefactor. But in another sense the prime motive was to make money for himself and his inner ring of railroad stockholders. And for one of a speculative turn, the profits promised and realized were indeed, princely; for, under various acts passed since 1862, Congress had donated handsomely to the Union Pacific road from the public domain, and made a loan of \$27,000,000 besides, under a junior lien; all of which went towards securing the road-building contractors.<sup>1</sup>

What concerned the public most in this matter was that Ames, feeling the need of friends in Congress to legislate or prevent legislation, as the exigencies of his enterprise and the Union Pacific road might require, had approached various fellow-members and others of influence in that body, with this Credit Mobilier stock under sanction of the directorate. Bought, about July, 1867, at par, as he offered

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<sup>1</sup> VII. Rhodes, 4. The actual profits of the Credit Mobilier ring were variously computed, from \$8,000,000 to \$23,000,000.

it, such an investment more than thrice repaid the cost by the dividends of 1868 alone. Not men of tainted reputation, but those of the highest character upon whom the dominant party of the land leaned heavily, were thus sought out, for Ames meant to bestow the stock where it could be most helpful to him. So artful and insidious was the temptation, with a ready assurance that the Union Pacific had received from Congress all the grants and legislation it wanted, and with Ames's readiness besides, to carry his friend's investment as a loan to himself on security without a transfer of the stock itself, that statesmen of integrity but straitened means were drawn into the net unawares. For investment here meant that the investor's name might be carried on Ames's private memorandum book, his checks for the profits being handed over from time to time.

After all, the palpable offence consisted in prevaricating denials when the charges first came out in the newspapers, and perjury, or something like it, at the House investigation afterwards. Of Congressmen accused, Blaine, Dawes, Scofield, Allison, Bingham and others were clearly acquitted; but as to Garfield, and Vice-President Colfax, men hitherto of unblemished reputation likewise, the conclusions reached by the committee were unfavorable. Garfield indeed carried his case to an inquisition by his own constituents, both friends and enemies, when canvassing for a re-election in 1874, and they sustained him, and when the people of the United States, not many years later, chose him President his vindication stood complete. But as to Colfax, whose individual testimony before the committee was unconvincing, betraying a disposition to dissemble and equivocate, to say the least, fortune's inclination was ill. High in fame and popularity, when he became Vice-President in 1869, the highest honor in the gift of a nation which loved and respected him seemed fairly within his reach; but he now left the second office on the 4th of March, shaded in reputation; and in the close polities of his own state of Indiana he never served in public station again. As a result of the Poland investigation

and report, Ames, together with James Brooks of New York, a member likewise of the House and a government director of the Union Pacific railroad, received in February a vote of censure. Expulsion, a harsher visitation, had been recommended for each of them; but the lighter punishment sufficed, for both died before the summer, under the stress of mortification and grief.<sup>1</sup>

(2) The "Salary Grab" Act, so called of this session, originated in the desire of victorious Republicans to please the President by doubling his salary beyond that of all predecessors. To this bounty was added increases for such other high officials as the Vice-President, members of the Cabinet and the Justices of the Supreme Court; and to such generous provision members of Congress tacked, as was natural, an increase of their own pay and that of the Speaker of the House.<sup>2</sup> But this excessive liberality, though not unfairly founded upon the high cost of living at the present time, provoked indignant remonstrance from the people, coming, as it did, close in the wake of the Credit Mobilier exposure; and Democrats and Republicans alike who had voted for the measure had cause to tremble at the wrath of their constituents. The chief indiscretion of Congress consisted in making the law retroactive as to themselves; for, whatever might have been Congressional precedent in our earlier annals, the whole trend of constitutional practice and policy in the States was against permitting legislators to increase, while serving, their own recompense for an existing term. Of this "back pay steal," as it came to be called, which donated handsomely to members for the two preceding years, of a Congress just closing, many who drew the increased pay covered it into the treasury; others who had opposed declined to draw at all; while others still, sought

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<sup>1</sup> See more fully, VII. Rhodes, 1-18.

A Senator from New Hampshire went into political exile at this time under a like cloud of disgrace which never lifted. A grave impropriety was also exposed in one of the United States judiciary, which led to his resignation.

<sup>2</sup> Act March 3, 1873.

to make friends of the unrighteous mammon by bestowing their extra pay in charities among constituents at home. When the forty-third Congress met, in the following December, one of its earliest enactments repealed absolutely all these increases of compensation, excepting those of the President and the Justices of the Supreme Court, which were safely shielded from a new reduction by provisions of our written constitution.<sup>1</sup>

Among matters brought to the attention of the present Congress, but not acted upon, was the depressed condition of our shipping consequent upon the Civil War. Of late there had been a marked increase in tonnage on Northern lakes and Western rivers, but a large falling off on the Atlantic, Gulf and Pacific coasts. The New York Chamber of Commerce, in January, 1872, sent a memorial to Congress, asking for legislation to relieve the situation. Ocean steamships of iron, it was stated, could now be built more cheaply in Great Britain than here, and with our higher cost of labor and materials we could not well compete. Inquiry being made of the Navy Department, Secretary Robeson reported in March favorably to the petitioners, and proposed that ship building in our own waters by our own workmen should be promoted, as in former times. England now enjoyed one-third of the entire commerce of the globe, and that commerce had grown by exporting our cotton while establishing her steamship lines upon the chief routes of commerce. Hence he advised subsidies in money or bonds, or, better still, the public guaranty of a fair amount of the capital required for American competition. The carriage preferentially of our mails to foreign ports by native vessels was also recommended. A bill was submitted in this connection, prepared by the Secretary of the Treasury, with the approval of the State Department, for giving an American registry under restrictions to foreign-built vessels owned by citizens of the United States. But no action

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<sup>1</sup> Act Jan. 20, 1874. See VII. Rhodes, 20, 21.

for relief was taken by the present Congress, and subsidies, whether for railroads or steamship lines, were in general disfavor.<sup>1</sup>

The new census for 1870 had been compiled under the superintendence of Francis A. Walker, eminent in after years as an educator and author. No new territory had been added to the area of enumeration in the Union during the previous decade—for Alaska, though purchased in 1867, was not brought into present census reckoning,—and hence a comparison with the figures of 1860 was simple. The effect of the Civil War, with its holocaust of human life and loss of immigration, was shown by a diminished percentage of increase for the past ten years, the lowest yet since 1790, the date of our earliest census. As always, however, a substantial gain was shown in aggregate numbers and now all inhabitants were free, as not before; and upon such a showing a new and increased apportionment for the next House was ordered.<sup>2</sup>

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<sup>1</sup> Harper's, January, March, May, 1872.

<sup>2</sup> Act February 2, 1872. The percentage of increase during the past decade had been 22.6, and the total population in 1870 was 38,558,371.

## CHAPTER III.

### SECOND ADMINISTRATION OF ULYSSES S. GRANT.

#### PERIOD OF FORTY-THIRD CONGRESS.

March 4, 1873—March 4, 1875.

#### PERIOD OF FORTY-FOURTH CONGRESS.

March 4, 1875—March 4, 1877.

#### SECTION I.

##### A NEW OPPORTUNITY.

Grant's address at his second inauguration seemed hardly in keeping with the circumstances of wide dissatisfaction which attended his new lease of Executive power and just after the adjournment of a Congress whose disgrace was positive. His expression was that of one who had

<sup>1873.</sup> been foully wronged and traduced by party opponents while in the just performance of his honest duty. Not a concession of error escaped his lips, not an acknowledgment of fault committed through inexperience, not an apology for possible remissness, not a modest sense of shortcomings on his part nor a promise to improve upon this new opportunity. He claimed that, so far as he could control events, he had sought to restore harmony, public credit, commerce and the arts of peace. The South, he said, was rehabilitated already. As for himself, he had been "the subject of abuse and slander scarcely ever equalled in political history," and he thankfully accepted the verdict of the people at the polls as his vindication.

There were two unusual features in the present celebration: a great pageant procession with banners and brass bands enlivened the open-air ceremonies on capitol hill, though this was a second induction; and in the evening an inaugural ball was held, without distinction of race or

color. The skies were bright, this 4th of March, but a cutting north wind, the very breath of winter, chilled the crowd that gathered at noon for the inaugural exercises, and made cold drafts by night in the rough wooden building improvised for dancing.<sup>1</sup>

The popular foreboding, but half suppressed, that this second term would witness no real improvement in the Presidency was to be confirmed. Of cabinet advisers Fish and Robeson alone continued to serve through Grant's second term; the latter a jovial bachelor when first installed as Secretary of the Navy, but marrying while in office a Washington widow of social influence, prominent in the court circle of the capital. Boutwell, now withdrawing from the Treasury to fill Vice-President Wilson's unexpired term in the Senate, had pressed with success the appointment of William A. Richardson, his assistant and personal friend, from Massachusetts, who served, however, for only a brief space; three Secretaries, in fact, administering that responsible office, one after another, in course of the next four years. To Belknap, Secretary of War, whose fall from grace we shall note later, there came two successors. Delano of the Interior resigned in October, 1875, to be replaced by Zachariah Chandler, who had lost his re-election to the Senate. For Postmaster General, Creswell, who retired in 1874, had three followers in turn. Nor did ex-Senator Williams, who had filled Akerman's vacancy as Attorney General remain long during this new administration, but two others completed the record. With a varying Cabinet like this, composed of official heads whose views and dispositions greatly differed, Grant's new administration lacked unity of purpose and execution much more than that which had preceded it, while his own direction continued fickle and fortuitous.

This administration had progressed scarce a fortnight when George William Curtis resigned from the Civil Serv-

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<sup>1</sup> Newspapers; VII. Rhodes, 22.

ice Commission,<sup>1</sup> alleging that the spirit and letter of the new regulations had been violated in recent appointments. To his place Dorman B. Eaton, another sincere reformer, was appointed; but the Board as a whole, through other changes, was less trustworthy than before.<sup>2</sup> Grant kept up appearances longer, referring to the work done or projected in various reports to Congress. But in December, 1873-1875, he stated, in his annual message that, should Congress adjourn without positive legislation on the subject, he would regard the system as distinctly disapproved and would abandon it. Congress did not legislate nor appropriate; and hence the whole scheme was given up, and competitive examinations for government office came mostly to an end. "Statesmanship in Congress" wrote Thurlow Weed towards the close of 1873, "is now so low that it will take many years to build it up to a higher tone."<sup>3</sup>

Whatever may have been the President's personal views, the sentiment of his choicest friends in legislation had been constantly adverse to a classified service, and upon such he threw the burden of continuing the experiment. As for himself, it augured badly for civil reform that he still kept his brother-in-law Casey at the New Orleans custom house, where the stench of corruption was becoming intolerable; that he sent his Washington pastor on a long vacation tour, at the cost of government, for a plausible inspection of consulates of which clergymen know nothing, and that he provided, though reluctantly, for a shiftless brother, added to his other relatives, by giving him two or three vacant Indian traderships, which yielded

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<sup>1</sup> March 18, 1873. Mayor Medill of Chicago resigned also.

<sup>2</sup> VII. Rhodes, 22, 23. But the system was well kept up by the Postmaster in New York City, Thomas James. *Ib.*

<sup>3</sup> 2 Weed, 501, cited VII. Rhodes, 25. "Matt" Carpenter—a new Senator of much legal ability and distinction who affected pioneer manners,—had talked with contempt of this "board of school-masters," while Morton expressed dread lest a caste of aristocratic office-holders would be the outgrowth of such appointing methods.

through proxies a petty income of a sinecure kind.<sup>1</sup> In February, 1874, at the behest of Representative Butler, who was said to have gained in some way a special hold upon him, Grant appointed William A. Simmons and procured his confirmation as collector of the port of Boston, against the protest of many leading citizens of Massachusetts and the open opposition of the Republican governor of that State, with both Senators and seven out of the eleven members of the Massachusetts delegation in the House. Simmons was a professed church-goer in private life—"A young Christian soldier," as Boutwell styled him—but as a manipulator of voters in Boston's worst wards and a jobber in dubious politics his reputation was unsavory.<sup>2</sup>

Chief Justice Chase died in New York on the 7th of May, 1873. He had suffered a first apoplectic shock in 1870, and yet bore himself to the last with dignity and composure in his official tasks, holding the Bible to Grant for the customary oath on the recent 4th of March. A great national opportunity was afforded in the choice of a successor to that exalted office.

For the vacancy long forecast the President in November offered to appoint his favorite in the Senate, Roscoe <sup>1873-1874.</sup> Conkling. To this the independent press of the country made much objection, since Conkling had quarreled so constantly over partisan spoils, and both for legal scholarship and moral fibre he was widely distrusted. Yet it might perhaps have been said of him, as of the predecessor now deceased, that if he would forego all

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<sup>1</sup> N. Y. Nation, March 16, 1876. Judge Dent died in 1874.

<sup>2</sup> VII. Rhodes, 23, 24. Senator Boutwell's opposition here was somewhat forced and tardy; and for this he suffered, when his re-election as Senator came up.

Simmons's career as a custom-house collector proved not as reprehensible as had been predicted. But there was a low tone to his political and personal associations, and, later in life, after removing to New York City, he made himself liable to investigation, as a municipal graftor.

politics thenceforward and devote himself to the noble but laborious detachment which the Chief Justiceship pre-eminently demands, as his best, his last, and his satisfying service to the country, his selection would be justified. But such a test Conkling did not himself care to meet, and Grant in consequence turned elsewhere with a capricious but self-sufficient judgment, characteristic of him in most civil dealings.

George H. Williams, his Attorney General, was Grant's second selection. Williams was a man of moral character and had made a good record as Senator, but as a lawyer from the far-off and bucolic State of Oregon his professional attainments were questionable for his present post, and much more for the consummate one of Chief Justice. Bar Associations on the Atlantic slope sent earnest remonstrances to the Senate against confirming one thought deficient in the "indispensable qualifications of intellect, experience and reputation;" and other circumstances combined to threaten his rejection. In January, therefore, the President withdrew the nomination at Williams' own request.<sup>1</sup> The third selection was stranger still in point of actual fitness—that of Caleb Cushing. Of professional skill, intellect, learning and experience Cushing had abundance, but both politically and for the weight of years he belonged to the past. And more immediately in his disfavor was a serious doubt broadcast of his probity and moral principle, for Washington knew him intimately as a resident. Grant was saved another rebuff from the Senate by the production to that body of a letter the versatile Cushing had written to his "dear friend" Jefferson Davis, in March, 1861, asking a

<sup>1</sup> VII. Rhodes, 25, 27. The Attorney General had a pushing and ambitious wife who made enemies in Washington. Availing herself of a custom, then in vogue in certain Cabinet families, of putting the cost of carriage hire for social visiting upon the government, she ordered a stylish carriage made for her use as an official outlay. That fact made much comment at the present time, and the saying went that Mrs. Williams's new landau blocked the way to her husband's promotion. Author's recollections.

personal favor; and with that letter assigned as a sufficient basis of objection Republican Senators asked the President to withdraw the nomination, which he did at once.<sup>1</sup>

Still indisposed to ask advice in advance on so grave a matter where professional opinion had been worth consulting, Grant made a fourth choice for Chief Justice and this time his nomination proved a wise one and was promptly confirmed by the Senate, whose relief from embarrassment was quickly perceptible. Morrison R. Waite of Ohio had been brought into recent prominence at the Geneva arbitration and was at this time presiding at a constitutional convention of his State. Many thought him a commonplace man, honest indeed, but not remarkable, when he was thus elevated before the people; but faithful industry and experience will always accomplish much for a Chief Justice of sound morals and sense whose tenure is secure, and Waite, in his course of a fourteen years' incumbency, gave ample proof that he was admirably fitted for the conspicuous office.<sup>2</sup>

This commotion over a new Chief Justice had begun when the President sent in the name of his Attorney General for the place, December 1; and on that day the forty-third Congress, including the Senate, convened for the long session. The truly absorbing interest of that session was financial, for a business panic which had begun in September, 1873, brought sadly depressing results to our trade and commerce which were felt through the whole remaining period of Grant's second term.

Feverish business conditions were first discerned in the preceding year. The waste and impoverishment of the Civil War itself, only too slowly realized; an immense destruction of wealth caused by destructive fires, and especially that of Chicago in 1871; the long conduct of a pampered trade and intercourse, delusively prosperous

<sup>1</sup> January, 1874; VII. Rhodes, 27, 28.

<sup>2</sup> VII. Rhodes, 28, 29. This nomination was sent in January 19 and unanimously confirmed two days later.

upon the basis of a fluctuating paper currency whose deceptive values stimulated the ambition to speculate and forestall the future—all these had combined to induce unhealthiness in business while promoters continued oversanguine. It was Northern enterprise which chiefly felt this new reaction; since the South, visibly impoverished, held to its own staple products as it might. Capital was at the North, and debts had been freely created by northern individuals, States and municipalities. Lavish waste, extravagance and mismanagement, both public and private, in various quarters of the land, lent also an influence in hastening a financial crisis sooner or later inevitable.

Our American panic of 1873 had its premonition in Europe, where an acute distress on the Vienna Bourse warned foreign bankers of danger and checked the flow of money from England and the continent, hitherto abundant, to invest in American enterprises. Those enterprises had been pushed at home with reckless speed and self-confidence; and most of all, an amount of railroad building, excessive beyond precedent, had been entered upon, where native energy outran available means, and the bonds and securities issued were too vast in amount for invested capital to absorb during a tight money market. The glut of such securities in Europe forced American bankers in the eastern cities to carry their own favored projects upon the strain of an independent credit; a feat which became increasingly difficult as money rates hardened.<sup>1</sup>

During the summer of 1873 gold and silver became scarce and interest rates rose for ready money. Among other phenomena of those months were sporadic strikes where business and wages were dull, and farmers' movements organized against railroads whose transportation rates for their grain were thought too high. All such demonstrations were mostly unsuccessful, for the real evil of the situation was below the surface of observation and unprosperousness was the vital cause. There had been overtrading and the turning of the tide was at hand.

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<sup>1</sup> VII. Rhodes, 40-42.

As in 1857, too rapid development of railways in this country was the prime cause of distress and panic. New roads had been constructed and old ones improved and extended at an aggregate cost approaching \$500,000,000, about four-fifths of which amount was borrowed money, through the sale of bonds abroad and by temporary loans at home. During the summer of 1873 Wall Street was disturbed by the failure of a Brooklyn Trust Company which had become heavily involved in a neighboring railroad enterprise. A gradual stringency ensued in the money market; and when on the 18th of September the famous house of Jay Cooke & Co. suspended payment, overloaded and crushed by the heavy burden of the Northern Pacific railroad which it had set out with overconfidence to build, a wild panic broke out. A score of firms suspended the next day in New York and Philadelphia; some of them hitherto of the highest standing. Depositors began a run upon the banks. Stocks in great favor, six months earlier, found frantic owners eager to sell at a sacrifice while few were prepared to purchase. On Saturday, the 20th, the Stock Exchange of New York city closed its doors—an extraordinary action—in order to allay the dangerous excitement and give time for confidence to recover.<sup>1</sup>

Sunday, the 21st, was a day of anxious conference. The President with Secretary Richardson arrived from Washington to discuss the situation privately with New York's business magnates and financiers. They were implored to ease the money market by letting loose all or part of the currency reserve held in the Treasury, for eventual cancellation; this they refused to do, but agreed to purchase government bonds with the surplus currency and reduce the stringency to that extent.<sup>2</sup> This was presently done, and another temporary mode of relief for the emergency was afforded in the city by the issue of clearing-house certificates upon a pool of collaterals, in place of green-

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<sup>1</sup> Harper's, 1873; VII. Rhodes, 43, 44; Andrews's Quarter Century, c. 10.

<sup>2</sup> About \$13,000,000 were thus purchased.

backs to settle the daily bank balances—an expedient novel but salutary. Banks also for the emergency certified large checks of their customers as good through the clearing-house, cashing only the small checks which were presented at their counters, so as to discourage as far as possible the hoarding of greenbacks and national bank bills. On Tuesday, September 30, the Stock Exchange re-opened for business after having remained closed for eight days—an event unparalleled in its history. By the middle of October business gradually renewed its wonted course and the panic, to speak strictly, came to an end. Speculation had meanwhile been checked, while banks were enabled to confine themselves mainly to aiding the merchant.<sup>1</sup>

But the season of actual depression throughout the Union lasted much longer nor did business fairly revive before 1878. The five intervening years, as Mr. Rhodes reminds us, "are a long dismal tale of declining markets, exhaustion of capital, a lowering in value of all kinds of property including real estate, constant bankruptcies, close economy in business and grinding frugality in living, idle mills, furnaces and failures, former profit-earning iron mills reduced to the value of a scrap heap, laborers out of employment, reductions of wages, strikes and lockouts, the great railroad riots of 1877, suffering of the unemployed, depression and despair."<sup>2</sup> Such are the miseries that follow in the wake of most financial panics.

Chicago did not feel the pinch of acute distress so much as the large Atlantic cities, being the great mart of grain, meat and agricultural produce, such as will always bring money. Currency flowed thither in natural course. It was industrial capital and enterprise, chiefly supplied from the North Atlantic region and our older States, that

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<sup>1</sup> VII. Rhodes, 43-47; 2 Andrews's Quarter Century, c. 10. This clearing-house method of issuing certificates worked so well in New York City that Boston, Philadelphia and other cities adopted it.

<sup>2</sup> VII. Rhodes, 52.

suffered most keenly. Credit was refused, debtors were pressed, the prices of securities, lately thought gilt-edged, fell to a ruinous level, factories ran on short time or closed altogether, corporations failed. Most of all was perceived a great set-back to that railroad development over the continent which had proceeded far too rapidly. American securities, this time private rather than State or municipal, came into great scandal abroad, as in the old days of Sidney Smith and Dickens, through default and delinquency when interest fell due.

Fortunate was it in these days for savings banks whose rules enabled them to require time notice before a deposit could be withdrawn. For concerns of that name in various cities which had pursued the dangerous practice of honoring a customer's checks on presentation, like ordinary banks of deposit, suspension, failure and a general winding up were now frequent. One of the worst failures of such fiduciaries of the poor and patronizing guides to general thriftiness was that of the Freedman's Savings Bank. Incorporated since the war as a national benevolence to the colored man, with a chief office in Washington and some thirty branches in Southern cities, it had built up a large business whose special appeal with a beehive emblem and printed sheet was to the newly emancipated. But its white directors at the Capital, frenzied philanthropists, became deeply involved in the new District of Columbia improvements, and, being unwisely allowed by act of Congress to invest in mortgages, loaned loosely upon unstable land security in Washington and made advances upon plantations at the far South which could not be knocked out under the hammer. When examined in 1873, because of its suspension, this institution was found in bad condition and by 1874 it was pronounced insolvent. Loans were revealed upon stock of a local stone quarry, a paving company and a publishing company, three ring speculations of the District, and only four hundred dollars were found in its vaults, to represent securities of the United States. Congress never indemnified the credulous

depositors, and even the procedure sanctioned for winding up the Bank was discreditable, employing a salaried and expensive commission to handle the meagre assets.<sup>1</sup>

Such was the depressing condition of affairs when the forty-third Congress assembled. No wonder that the 1873, Dec. 1- ghosts of the Credit Mobilier exposure and the 1874, June 23. salary raise, those last exhibitions of its departing predecessor, should still haunt the historic chambers. Here gathered a House, increased by 49 additional members under the new apportionment, whose Republican majority was nearly three times as great as that in the preceding Congress, about two-thirds of this body being new members. In the Senate, where parties balanced nearly as before, General John B. Gordon, of Georgia sat as an ex-Confederate, while P. B. S. Pinchback, a mulatto from Louisiana of bad antecedents, sought admission, but after much delay was refused with a consolation of salary and mileage. James G. Blaine, immensely popular at this period, was chosen Speaker of the House for a third successive term.

The new Congress launched at once into financial relief and made a remarkable session. The chief forum of interest for that discussion was the Senate, where more than sixty remedies proposed for the prevalent distress, by bill or petition were referred to the Committee on Finance, at whose head was the clear-headed but somewhat temporizing Sherman. A four months' debate presently opened in the Senate, the majority of Sherman's Committee reporting by December 15th in favor of resuming specie payments, while Ferry of Michigan offered a resolution favoring inflation. The main issue resolved itself into that of increasing further the greenback circulation, a plan towards which the North-west and South inclined strongly as against the best expert banking opinion

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<sup>1</sup> Author's recollections; N. Y. Nation, April 15, Nov. 4, 1875. The new freestone building of the Freedman's Savings Bank at Washington, opposite the Treasury, was bought by government for its Department of Justice.

in the country. Morton, Logan and Ferry—"the paper money trinity," as Thurman, who was a hard-money democrat, styled them—, differed among themselves, as between simply reissuing the present \$44,000,000 reserve now held in the Treasury for cancellation and retirement, and making a large paper increase at least twice as great, in the hope that debtors might thus be better enabled to liquidate and business to resume its wonted prosperity.<sup>1</sup> The West, with a boundary line slowly changeable, was then, as it has been ever since, largely indebted to our North Atlantic States and Europe for the means of development upon a margin of security, and railroads extending into the newly settled regions were mostly owned and controlled by eastern capital. Hence a constant disposition among western farmers to fight railway rates of transportation for their produce as though too high, and among western men generally to pay creditors of the older and richer States in paper or other money of minor value. But Schurz, Sherman and Thurman opposed new ventures on the treacherous sea of paper credit, siding in opinion with the East, whose established methods in finance made bankers conservative over any increased inflation of the currency.<sup>2</sup>

As a matter of fact, Secretary Richardson, with the President's sanction, had reissued as much as \$26,000,000 of that greenback reserve, by early January, 1874, to help the money market, and this, notwithstanding the refusal to reissue they had made at the New York conference of September. Boutwell in the Senate defended Richardson's right to do this; though to concede any such arbitrary power in a Secretary of the Treasury must have been highly dangerous. The Senate, too, weakening under outside pressure just as the Executive had done, passed April 6, 1874, after much discussion, a bill which, legalizing the reissue which the Treasury had already made, fixed a maximum amount of permissible greenback inflation for the present crisis at \$400,000,000; and the House con-

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<sup>1</sup> VII. Rhodes, 53, 54.

<sup>2</sup> *Ib.*

curring, eight days later, that unwise measure went to the President for his signature.<sup>1</sup>

Quite unexpectedly, however, Grant returned the bill to the Senate, on the 22d, with his veto. In various messages he had advocated conservatism regarding our finances, yet he was not thought averse to a moderate inflation, and at all events it was widely assumed that he would leave the whole subject to the discretion of Congress. As he stated years after, he had really a hard struggle of mind when this bill was before him, thinking at first that he would approve the measure, as though it were a veritable compromise over inflation, which it certainly was not, but he finally concluded, after much thought and anxiety, to face the storm and send in a veto. That course once decided by him and acted upon, the bill met its sure death; for the Senate failed emphatically to get more than a small majority towards the two-thirds essential for passage over a President's objections.<sup>2</sup>

This veto was courageous, under all the circumstances, and deserves praise as a worthy act, and, indeed, the worthiest of Grant's whole Presidency, so far as his independent resolve was concerned. For the Treaty of Washington and various good achievements of these eight years in Treasury operations the chief credit is due to Secretaries who had the chief burden of responsibility as well, but in this matter the bold action and its meed of gratitude were wholly and positively his own. In vetoing the inflation bill he went contrary to the wishes of some of his most intimate advisers in both Houses of Congress. The subsequent course of events, as things turned out, made this Executive barricade a first advancement gained towards that eventual resumption of specie payments so little looked for which afforded the only safe solution of the present problem,—the only true way,

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<sup>1</sup> VII. Rhodes, 62. The Senate passed the bill by 29 to 24; the House by 104 to 102.

<sup>2</sup> *Ib.*, 62–64. The Senate vote, April 28, stood only 34 to 30 for passing the bill over the veto.

after all, for finance to gain the open road to prosperity and honor.

For the new Secretary of the Treasury, however, to whom Boutwell had consigned his toga, the path of administration was not a smooth one. A county probate judge in his own State of integrity and character, a good codifier of the laws and a manager of estates safe and trustworthy, Richardson, though capable in routine matters of his exacting office, had not those qualifications of bold and creative skill, originality and experience in financial affairs which the higher exigencies of his department demanded in times like these. His mind dwelt too much upon the emoluments of office,<sup>1</sup> and such petty matters. He was unused to politics and the activities of public life, and showed himself timid as against statesmen overbearing and unscrupulous, whose influence he dared not oppose. A peddling experiment of financial relief with small silver change which he had lately undertaken caused much amusement, while his large reissue of the Treasury reserve against his own stated purpose was a sign of incapacity to resist. And now, following Grant's veto of the inflation bill, the Republican Ways and Means Committee of the House made a report which gave clear proof that loose and invertebrate methods prevailed in the Treasury department.<sup>2</sup> John D. Sanborn of Boston, a henchman of Butler, had been awarded a contract while Richardson was Assistant Secretary, for ferreting out and

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<sup>1</sup> While a probate judge in Middlesex County, he kept a business office in Boston, settling estates and gladly serving as counsel in counties outside his immediate jurisdiction. And when invited to Washington to be Assistant Secretary under his friend Boutwell, he held to his judicial place, besides, and undertook to manage the two offices so far apart, upon a double salary, until a prohibitive bill introduced in the Massachusetts legislature, by way of rebuke, caused him to resign as judge, and confine himself to his national duties at the capital. Author's recollections.

<sup>2</sup> May 4, 1874. The report was by Charles Foster of Ohio. VII. Rhodes, 65.

collecting such excise taxes owing the government as might have been unpaid and evaded, under a moiety arrangement with the Treasury. Moieties to informers had lately been condemned emphatically by public opinion and discarded in government policy; and, though this contract had the legal sanction of a provision mysteriously introduced into an appropriation act of 1872, there were circumstances which raised a strong suspicion that much of the money Sanborn thus procured was used for corrupt politics. A House investigation was the consequence, and this report followed. No imputation could be cast upon the honor of either Boutwell or Richardson, but the latter in giving his testimony before the committee showed an astounding ignorance or neglect to ascertain in connection with this contract. Hence the committee's report made severe comment at a time when the House was in ill humor and quite disposed to censure somebody. Grant relieved the situation by accepting Richardson's resignation from the Treasury at once and appointing him to a vacant judgeship on the Court of Claims,—a position for which his talents and temperament highly qualified him. The Senate confirmed; and Richardson for the rest of his life fulfilled the dignified and not very onerous duties of a tribunal whose snug harbor had been shared by others unfortunate in politics.<sup>1</sup>

Benjamin H. Bristow of Kentucky succeeded to the Treasury in June;<sup>2</sup> and Congress, that same month, put an end to all fishing contracts of the Sanborn kind, by a comprehensive statute which abolished finally and absolutely the whole moiety system of sharing government demands and penalties with private spies, informers and persecutors—a system which, since its original institution by Congress in the eighteenth century, had given rise repeatedly to gross abuses, and especially within the

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<sup>1</sup> Author's recollections: VII. Rhodes, 65, 66.

<sup>2</sup> He had made a good record lately as Solicitor General in the Department of Justice,

past few years of revolutionary stress, when importers of the highest standing in the country had suffered from an indiscriminate seizure of their books for the scrutiny of old accounts, which perchance might reveal to the tormentors some customs duty unpaid.<sup>1</sup>

Soon after Congress had adjourned Cresswell resigned as Postmaster General, and the President, August 24, appointed Marshall Jewell of Connecticut his successor. Jewell had made a good governor in his State and <sup>August.</sup> was at this time serving abroad as minister to Russia. He was a man of business with strict business methods, and like Bristow of the Treasury he favored reform in the civil service and the correction of abuses in office patronage. For this, as we shall see, both these excellent administrators came to grief and their presence in the cabinet proved of short duration.

The death of Charles Sumner, March 11, 1874, was among the impressive events of this notable session of Congress. His place during the last two years of his life had been lonely and pathetic. His towering pride was wounded at all points. Deprived of his accustomed leadership in the Senate, he saw his former mantle worn by other party associates less worthy. His scheme of political horticulture in the South had indeed prevailed, but the blossoms were bad and hands less clean than his own delved in the soil to cultivate an unpromising experiment. On the Presidential issue of 1872 he had met, for the first time in his political life, a disastrous defeat. The silent Cæsar he had opposed was now fixed at the White House as firmly as before; while his own Massachusetts colleague and friend of many years presided in the familiar Senate chamber, as though to rebuke him. Nor even had that Liberal movement in politics to which he committed himself sought its inspiration from his lead or counsel. Against such public vicissitudes, discord and desertion, instead of consolation and love, had been his

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<sup>1</sup> Acts June 22, 1874, ch. 391, 393.

portion at the domestic hearth; and his bodily health, life itself, he knew to be precarious.

Under such sad but chastening influences, Sumner had taken his own counsel for many months, reserving comment upon the election results; and self-counsel led him, in December, 1872, to dismiss vindictiveness and tender as it were an olive branch to those Southern foes against whom he had fought so long and so bitterly. He now proposed in the Senate that all "names of battles with fellow-citizens" should be removed from our flags and the army register, since civilized nations should not and were not wont to perpetuate the memories of civil war. For this—a proposal much too far-reaching, thus early, to be appreciated or understood—Sumner was denounced as a reactionary by fellow-Republicans in and out of Congress, and abused and caricatured by the party press. The bill went over, while the legislature of his State, in its annual session, passed a vote of censure upon him. Sumner's illness was remarked when this new Congress convened in December, 1873, but he kept his accustomed place long enough to show himself during the Chief-Justice controversy. A revulsion of sympathy was felt at home for the Senator when it was known that his health was failing. A new Massachusetts legislature annulled by large majorities, in February, 1874, the former resolution of censure, and Boutwell announced that action in the Senate a few days before Sumner died.

Sumner's death made a profound impression on Congress and the whole country. His empty chair was draped in mourning and white flowers were placed upon his desk. Like John Quincy Adams of his State before him, long faithfulness at his post and a consecration to duty, however uncompromising in his views, made him a confessed exemplar at the last, and eloquent tribute from that quarter of the Union once exasperated by his harshness was rendered his memory, as when Adams passed away.<sup>1</sup>

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<sup>1</sup> See the beautiful and heart-felt eulogy pronounced in the House by L. Q. C. Lamar of Mississippi, which VII. Rhodes, 100, quotes at length.

As for that premature proposal of the Senator concerning battle flags the time came, after thirty years had elapsed, when Congress inclined to recognize the spirit of its wisdom and propriety.<sup>1</sup> The majesty of a pure life in the public service should ever win the homage of hearts susceptible to honorable feeling. As was well said of him, Sumner, though a combatant all his life, had made war with a cause, and not with persons; and one may add that his life-long devotion was to uplift a race rather than to concern himself intimately with the character or capacity of individuals of that race. Hence came it that, with a sensitive conscience, an imperious sense of duty and grand ideals, he often seemed simple and unsophisticated in methods and means and failed to comprehend or allow fairly for the views and feelings of those who differed with him.<sup>2</sup> Yet, after all, such failings are those of the noblest among mankind.

## SECTION II.

### REBELLION'S PURGATORY.

In his second inaugural address Grant had confidently announced that the ex-Confederate States were now "happily rehabilitated" and free from all abnormal control by the nation's Executive.<sup>3</sup> Such, doubtless, was his honest belief; but the utterance was belied by 1873, Jan.-March events transpiring in Louisiana when he made it. Two State governments were in collision there, headed by rivals each of whom claimed his election at the polls in 1872, John McEnery and William Pitt Kellogg; the former having been chosen governor on the face of the returns, upon a fusion ticket of Conservatives with a Republican faction headed by Henry C. Warmouth, the governor in office who was about to retire. Kellogg

<sup>1</sup> VII. Rhodes, 100, note.

<sup>2</sup> George William Curtis in 49 Harper, 149.

<sup>3</sup> *Supra*, p. 226; VI. Rhodes, 319.

had the support of another Republican faction, whose leader was Packard, the United States marshal. Under the election law of Louisiana an official returning board, of whom the existing governor was chairman *ex-officio*, had a dangerous discretion in revising and modifying election results, and the Kellogg partisans here claimed, notwithstanding the election had been unusually free from violent demonstrations, that the Republican colored vote had been fraudulently suppressed in certain parishes. The votes having been counted, and the Warmouth board sustaining the McEnery candidates against the protest of the Kelloggites, each contending party took its own course to make its claim good. The McEnery government, backed by the white militia and the intelligent sentiment of the State, took ready possession of the State House at New Orleans; whereupon the Kellogg government, with the credentials of another returning board improvised for the occasion, appealed to their own supporters, the United States officers in court and custom house, to place them forcibly in power.<sup>1</sup>

In the political game for advantage which ensued the Kelloggites held the trump cards, inasmuch as they had on their side United States Marshal Packard, who was also chairman of the Republican committee in Louisiana; he had much influence at Washington, and his scruples were not of the nicest. Under his inspiration a midnight injunction against the McEnery government was procured from Durell, a reprobate circuit judge of the United States.<sup>2</sup> A detachment of United States troops stationed in Louisiana enforced that injunction, the State House was seized

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<sup>1</sup> VII. Rhodes, 109, 110. There was ample occasion to question the accuracy of the count on either side. The Kellogg Republicans figured up over 18,000 majority and the McEnery fusionists 10,000. The more modest of these claims was probably more nearly the correct one.

<sup>2</sup> This judge, who here "enjoined" one State government to set up another, was a drunkard and accused of corruption. He later resigned his office to avoid an impeachment pending in Congress. N. Y. Nation, Dec. 25, 1873, Jan. 13, 1876.

and held by military compulsion, and under President Grant's express sanction and approval the Republican legislature met there. In due time Kellogg was installed as the rightful Executive of the State and assumed the reins of government.

Under disorderly conditions like these and with opposing turbulence in various parts of Louisiana by desperate supporters of the supplanted McEnery government, fights broke out presently between whites and negroes. In Grant parish, far up on the Red River and 350 miles from New Orleans, a fearful massacre took place on Easter Monday, April 23. A body of white McEnery sympathizers there, who refused to recognize the local judge and sheriff commissioned by Governor Kellogg, fought for possession of the court house, with cannon and musketry, and shot down in cold blood three score or more negroes who had sought refuge in the building.<sup>1</sup> Such brutal outbreaks, where poor blacks, timid, as they always had been, in the white man's presence, were sure to get the worst of an encounter, deepened Northern resentment against the ex-Confederates and postponed the day of real reunion. Yet they were a consequence, not unnatural, of the position assumed at this time by the Executive at Washington in Louisiana politics, which strove to keep the most powerful and permanent elements of a State submissive to a transitory usurpation.

Congress was much to blame for this intolerable state of affairs, in the session which had first followed the disputed election in Louisiana. A Senate committee of Republicans investigated and its majority made report in February, 1873, to the effect that while McEnery had been chosen on the face of the returns, the election had not been fairly conducted. To add votes that have not been cast on the ground that they would or should have been is, however, a dangerous matter. Conceding that the Kellogg government could only be maintained by the military power of the United States, this committee

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<sup>1</sup> VII. Rhodes, 112, 113.

recommended a new election, with the voting machinery better arranged and handled. But Morton's powerful influence defeated a bill introduced for that purpose. Grant in a special message that same month, argued in favor of the Kellogg government against McEnery's, and said that if Congress took no action he should recognize and support it. No action was taken and consequently the Kellogg régime gained its full grasp of power.<sup>1</sup>

But the weakness of this Kellogg incubus became manifest in 1874, after the President had withdrawn all United States troops from Louisiana except a small garrison. At a large public meeting of citizens held in September 1874, at New Orleans a committee was appointed to request Kellogg to resign his office. He refused to do so, whereupon the citizens rose in revolution against him on the 14th. Kellogg fled to the custom house, the militia of the State refusing to sustain him; the local police, mostly colored, were overawed; and, repossessing themselves easily of a building which belonged to the sovereign people of the State, Conservatives started out to restore the McEnery government to authority. But on the 16th the President issued his warning proclamation and hastened United States troops to the scene; and on the 18th the State house was surrendered to Kellogg under protest. United States troops once more re-established the Kellogg government and open resistance ceased.<sup>2</sup>

The mid-term elections of 1874, whose issue portended a general disaster to the Republicans, brought a new contest

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<sup>1</sup> VI. Rhodes, 110.

<sup>2</sup> *Ib.*, 114; Harper's. The New Orleans Committee of seventy protested in a forcible address to the people that Kellogg was defeated at the polls; that after the Durell outrage they appealed to the President but were repelled with insult by his Attorney General; that they appealed to Congress in two successive sessions without result; that they appealed to the Supreme Court which denied jurisdiction; and that their only hope was in a new election, since Kellogg would not vacate until 1877. N. Y. Nation, Oct. 1, 1874.

in Louisiana, not for governor but for members of the legislature. On the face of the returns the conservative fusionists had a majority of 29 in a House of <sup>1874.</sup> Representatives of 111. But this time Kellogg and Packard controlled the returning board, whose announcement, after a long season of suspense, was that 53 Republicans and 53 Conservatives were elected, while as to 5 seats, no decision was rendered.<sup>1</sup> Pending that decision, Packard still kept his double sway as United States marshal and chairman of the Republican committee; and by his arrests of white citizens, through deputies aided by the Federal troops, he spread the impression that the party dominant at Washington was determined to have its way at all hazards.<sup>2</sup>

The sequel to such manipulation of the election returns was revealed when, January 4, 1875, Louisiana's <sup>1875,</sup> legislature met at noon in the crescent city to <sup>January.</sup> organize. Following the memorable precedent set at Washington in 1839 under John Quincy Adams's lead,<sup>3</sup> the Louisiana House of Representatives, on assembling, overrode on a point of order the refractory clerk of the last House who called the roll, took the business into its own hands, and, ignoring altogether the returning board's figuring, seated Wiltz, a Conservative, as temporary chairman, and proceeded to organize in its own summary way with a competent quorum, electing Wiltz speaker besides the other officers. Fifty-five Conservatives were next sworn in, while of the Republicans who had begun leaving the hall in a body five were detained by the new sergeant-at-arms so as to keep the quorum guarded. Disturbances arose in the lobby; and at three in the afternoon the Federal General de Trobriand entered in full uniform, with two of his staff, to execute, as he an-

<sup>1</sup> An arbitrary, unjust and illegal action, as Foster, Phelps and Potter, who visited New Orleans as a House sub-committee to investigate, reported afterwards. VII. Rhodes, 114.

<sup>2</sup> VII. Rhodes, 115, citing the sub-committee's reports.

<sup>3</sup> Newspapers; VII. Rhodes, 117-119. See IV. Schouler, 320.

nounced, Governor Kellogg's order to clear the hall of all persons who had not been returned as legal members by the returning board. The speaker protested; but calling his soldiers into the hall he had the five members in question expelled from their desks, one after another, at the point of the bayonet. Wiltz and his Conservatives thereupon withdrew in indignation and party Republicans, returning to their seats under military protection, reorganized after their own fashion and proceeded to business.

General Sheridan had already been sent to New Orleans by the President to look into conditions, and he assumed full command in Louisiana on the night of the 4th. Next day he sent to the President a message which gave confident assurance of his own ability to keep the peace: and, referring to disorderly disturbances of late by the "White Leagues" of Louisiana and two neighboring States, he asked for a free hand in treating members of those leagues as "banditti," trying the ringleaders by a court-martial. Should Congress fail to pass a bill conferring such powers upon him, the President had only to issue a "banditti" proclamation, and he would see to the rest.<sup>1</sup> Such an infamous proposal made little account of the Milligan decision in the Supreme Court, or of *habeas corpus* and the other fundamental safeguards of personal liberty familiar to Americans. Fish and Bristow of the cabinet indignantly denounced Sheridan's "atrocious proposition," but Belknap, the Secretary of War, in a hastily written despatch which assumed the approval of all his colleagues, applauded the general's wisdom, while President Grant, with all the warmth of a personal friend, praised Sheridan as he had done before, for superior judgment, prudence and power, in dealing with such difficult emergencies. On the whole, we may conclude that the much

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<sup>1</sup> The fact was, however, that the so-called "White Leagues" were made up of reputable white citizens and property-holders and their sympathizers, whose purpose was protection in the cause of honest and decent government, so far as they armed at all. Sheridan had that taunt of "banditti" hurled back at him as long as he remained at New Orleans. VII. Rhodes, 119, 124.

berated Andrew Johnson comprehended more clearly than his successor the true extent of Sheridan's fitness of temperament for handling a perplexing situation like that in Louisiana, when "the war drum throbbed no longer."<sup>1</sup>

Upon the news of De Trobriand's renovation of the Louisiana House of Representatives by force of arms—not permitting a legislature with a legal quorum to judge of the qualifications of its own members as fundamental law prescribes,—followed, as it was, by Sheridan's announcement of further military methods for cutting with the sword the Gordian knot of a complex and difficult problem in State politics—the anger at the North was hot and intense, regardless of party fealty. Tested by the autumn elections of 1874 Democrats were already in the ascendant throughout the Union and opposition to Republican domination in affairs was gaining the upper hand. Large indignation meetings assembled in New York and Boston, at which eminent citizens of political independence and integrity spoke their minds vigorously. Many who had read of Charles I and Cromwell in their school days denounced this Louisiana intervention as the most outrageous subversion of parliamentary government ever yet attempted in the United States. Schurz in the Senate made a speech of scathing eloquence. And to confirm the tidings which first reached Washington, Foster, Phelps and Potter, the House committee investigators at New Orleans, who now returned, made full report of the State House imbroglio as they had witnessed it, with abundant testimony taken by them during an eight days' stay in the city. Their report, given to the public by the middle of January, made a deep impression of disgust and loathing over Louisiana's latest situation.<sup>2</sup>

To soothe such outbursts of popular wrath and indignation, and in view of the damaging election returns of 1874 with the canvass of 1876 approaching which threatened total disaster to their national supremacy, the Republicans

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<sup>1</sup> *Supra*, p. 111; and see VII. Rhodes, 120.    <sup>2</sup> VII. Rhodes, 123.

in the House now sent to New Orleans a fresh committee of their own to investigate and report. George F. Hoar was the chairman, and William A. Wheeler and William P. Frye his associates. Their report as presented, <sup>February.</sup> February 23, 1875, after a sojourn in New Orleans of eighteen days, made the most of white "outrages" upon the negro, which had come to be the stock reliance of Republican argument for keeping Northern passions inflamed against the South. The statistics of political murders committed by men of the master race were taken upon General Sheridan's own figuring, and yet maladministration of affairs under present State conditions, waste of the public funds, tyrannous taxation, corruption and dishonesty had also in candor to be admitted. All of this committee concluded that intimidation had prevented a full, free and fair election in Louisiana in 1874; that the action of the returning board was wrong notwithstanding; and that the Conservatives of the legislature had taken an objectionable method to set the wrong right. Upon the further method pursued by General de Trobriand to set the right wrong again they reserved their judgment, but claimed that at any rate his interference had been needful to prevent a scene of bloodshed.<sup>1</sup>

Nevertheless, such men as Hoar, Wheeler and Frye were too honest and intelligent to leave the local situation as they found it. Wheeler, a warm-hearted and genial Representative, who had a rare gift for conciliating angry brethren, arranged a compromise while in Louisiana, whereby the opposing factions of that State brought their present quarrel to a pacific end. Twelve Conservative members who had been excluded by the returning board were seated in the House, whereby the Conservatives gained the majority to which they were unquestionably entitled.

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<sup>1</sup> VII. Rhodes, 124-127. It appeared that the five Conservative members turned out by de Trobriand were lawfully returned at the polls, and that in leaving off their names the returning board acted fraudulently. N. Y. Nation, March 4, 1875.

The legislature agreed by joint resolution not to disturb the Kellogg government for the remainder of the Executive term, which lasted until January, 1877.<sup>1</sup> The important bearing of that *modus vivendi* upon the Presidential choice of 1876 and the electoral count which followed will be seen in the further course of our narrative.

The lot of Louisiana in these years was peculiarly unhappy, for the State was a large and powerful one, prosperous in staples and an extensive commerce during a former era but held in a tight grip ever since 1862 by the <sup>1865-</sup><sub>1874.</sub> Union arms; its metropolis, the chief Southern centre of dramatic disturbance, though not of bloodshed, while the war lasted. Once gay, wealthy and lively, and still fond of pageantry after the Parisian fashion, the "lord of misrule," who had so often figured in the annual *Mardi gras* procession was now an oppressive reality. The story of Louisiana under carpet-domination from 1868 on was "a sickening tale of extravagance, waste, corruption and fraud."<sup>2</sup> The colored population of this State exceeded the whites numerically, though by a small margin, and with the negroes mostly Republican they made the real basis of the allied control in State politics. Negroes of the sort who worked into the legislature or got the lesser offices while higher appointment was the swag of their white patrons, became quick experts by imitation in the arts of venality, bribe-taking and the unblushing barter of political influence. The evil of misgovernment in this State was aggravated because Louisiana's Chief Executive had, under fundamental law, a long tenure and exercised a liberal dispensation of patronage in the parish and district offices. As for returning boards that of Louisiana differed not greatly from those of some Northern States; but to supersede thus the inherent right of an American legislature to judge of the qualifications of its own members was a new departure and

<sup>1</sup> VII. Rhodes, 127, and citations; N. Y. Nation, March 4, 1875.

<sup>2</sup> *Ib.*, 104.

of course an illegal one. Returning boards, furthermore, whenever composed of a set of disreputable scoundrels, intent upon some inside partisan advantage which is secured by an external force, may always be expected to work mischievously; for all government by the people must, at one point or another, confide in the personal character of those who administer it.

Negro outrages as the result of negro suffrage were undoubtedly inflicted in Louisiana and various other Southern States during these turbulent years of turmoil and disorder. There were even negro massacres committed in rude and ill-governed communities where bad blood aroused to deeds of violence and men were callous over human sufferings. But as to any provocation of wrong there were two sides to the question. In any fierce riot of races or sexes the weaker one must go to the wall. The voter's right of suffrage in a free country is a sacred one; but to count votes which were never cast, must upon any theory of suppression be a highly delicate and difficult matter. If they whose franchise rights are denied them cannot assert themselves, sooner or later, in their own community, with local courts, local police and the local State militia to call upon for aid, they can hardly expect bayonets from without to protect them at the ballot box forever. Either they will have to succumb to surrounding circumstances and the local sentiment, or else migrate to a more hospitable neighborhood. That there was something premature and impracticable in the present grant of full negro enfranchisement at the South was probable. Human nature cannot be changed by written law, nor can a statute, however threatening the penalties, be long enforced against a positive sentiment in the community adverse to its policy.

The situation in South Carolina was a peculiar one and deserves our special attention since, as in Louisiana, the Presidential results of 1876 were largely affected by it. Here carpet-bag rule seems to have inflicted its worst calamities, and the record of ruin from 1865 to

1874 in that proud but prostrate State is heart-sickening. Negro suffrage prevailed in those years without stint or hindrance; and as negro voters at the polls far outnumbered the whites, and their white allies or instigators were of the same political party, the combined Republican majority in South Carolina was great and at times overwhelming. It followed that by 1872 negroes gained upon their simple demand most of the State offices, excepting that of governor, whose dignity they still left to the white man—even the lieutenant-governor and treasurer falling to their portion; while in the legislature, where members of their race numbered more than three to one, they monopolized the chief places—both president of the senate and speaker of the house included at one time—and held an auction mart in the two chambers for six years with as rapacious and unblushing robbery and bribe-taking for legislation as government in the name of a people has ever seen or dreamed of. No scoundrelly method of fleecing taxpayers or of bartering votes to the railroads and other moneyed parties that came to the State House to lobby for charters, grants, subsidies or other favors, was left unknown or untried by these rogues in clover, who were quick-witted in learning ingenious tricks, for putting money into the purse. Barbaric extravagance and outlay for showy and vicious indulgences prevailed: spittoons of imported china, costly clocks, chandeliers and French mirrors, open bars for rollicking members which were well supplied with champagne, whiskies and cigars of the choicest brand—all figured in the category of public disbursements far exceeding the appropriations. A house of ill fame at the State capital, which was kept by a colored woman, found furniture from her sensual benefactors at the expense of the constituents, and under the guise of a gratuity for presiding well, a white Speaker of the House received by resolve a special \$1000 to reimburse him for the loss of a bet on a horse race in which his sable fellow-members had taken a fraternal interest.<sup>1</sup>

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<sup>1</sup> See more fully, VII. Rhodes, 42.

In the Executive chair of this unhappy State—once ruled by a close oligarchy of slaveholding planters—sat an Ohio carpet-bagger by the name of Scott from 1868 to 1872; and F. J. Moses, Jr., a Jewish native of South Carolina, followed him from 1872 to 1874.<sup>1</sup> Both were corrupt and corruptionists; each set to his colored associates the example of filching from the public exchequer, though Scott had the clearer field of the two; and each, by a debasing use of the pardoning power as Executive turned loose men of the worst character, serving terms in the penitentiary, to prey once more upon the community. They who levied taxes in this State seldom paid them, though many who entered the legislature poor left it rich, with money which flowed fast through their fingers. The burden of assessment came upon plantation owners of the old aristocracy, who by this time were harassed over the means of livelihood; and in spite of all taxation, the debt of the State rolled up inexorably until repudiation appeared inevitable. The judiciary of South Carolina still had honest and efficient incumbents in the highest courts who were not easily removable, but the pressure of corrupt and incompetent candidates to fill vacancies and sit upon the bench was very great.<sup>2</sup>

For the State election of 1874, Moses, the governor—“chieftain of the forty thieves,” as scions of the old families called him—lost a renomination because of his bad repute, and, in deference to promptings of a public conscience, Daniel H. Chamberlain, a truly honest man among the ruling whites, who had served as attorney general while Scott was governor, was put up by the Republicans for chief Executive and chosen by a majority of 11,500 over a Liberal candidate supported by the Conservatives. The canvass was a lively one and brought out a large numerical vote, whereby the opposition made a considerable gain in the legislature.

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<sup>1</sup> It was Moses who, while Speaker of the House, had his lost bet at a horse race made up to him.

<sup>2</sup> VII. Rhodes, c. 42,

Chamberlain was a Massachusetts man well educated and a graduate of Yale, who had served honorably on the Union side as a lieutenant of colored volunteers during the war. Stationed on duty at the South Carolina coast, he was attracted by the climate and surroundings of that favored region, and, after his military service was over, pursued, though unsuccessfully, a planting venture in the Sea Island cotton. Anti-slavery in sentiment and with a living to make as a farmer's son, he settled here a Republican after a natural fashion, hoping to proselyte the State and uplift civilians of the race whom he had drilled and disciplined as soldiers. Far different, therefore, in tastes and habits from coarse fellow-whites such as made up here the usual element of carpet-baggers, his constant aim, in the political career which soon absorbed him almost in spite of himself, under an alliance of negroes and white new-comers against the old aristocracy of landed proprietors, was to advance the cause of righteousness and human brotherhood. Bitterly did he deplore the crass ignorance, rascality and corruption which he saw uppermost as early as 1871 in the party which ruled the State.<sup>1</sup> And he set out after his election as governor in 1874, to give South Carolina a dignified and honest government, and not the hypocritical semblance of one expected from his past affiliations in politics, both by the people of intelligence and property who had opposed and by most of the old gang who supported him at the polls.<sup>2</sup>

Chamberlain's course in the Executive chair was in full keeping with his promises. Clashing at once with the corruptionists of his party, black and white, he showed the mettle of a reformer. In South Carolina legislatures elected judges, and for a vacancy which had occurred in the Charleston district the party Republicans put up a

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<sup>1</sup> "You may imagine the chagrin with which I make this statement. Truth alone compels it. . . I am a Republican by habit, by conviction, by association, but my republicanism is not, I trust, composed solely of equal parts of ignorance and rapacity." Letter of May 5, 1871, quoted in VII. Rhodes, 147. <sup>2</sup> VII. Rhodes, 161.

notorious negro politician, W. J. Whipper, a man who knew little of the law except as a transgressor. The new governor attended a preliminary meeting of the legislature where nominations were discussed, and by his forceful influence promoted the election of another and decent candidate upon whom reform Republican and Conservative members united. A defeat, somewhat later, of the scoundrelly ex-Governor Moses for a circuit judgeship elsewhere, was also brought about by Chamberlain's efforts. For trial justices he named Conservatives in localities where Republicans well qualified were not to be had. He disbanded companies of the colored State militia whose men and officers had behaved lawlessly in a county riot. He frustrated a scheme of party corruptionists in the legislature to remove the State treasurer, Cardozo, a light mulatto of ability and good reputation. He vetoed with effect nineteen bills of plunder voted by the rapacious majority of the two Houses. He refused to sign the tax and supply bill because of its extravagance and it failed of enactment. On the whole, his official course in these early months which tested his courage and skill to the utmost was highly honorable, and Conservative newspapers of the State and leading journals of differing politics in other parts of the country, commended him highly. "By and with the aid of the Conservatives" (to quote a distinguished press of Charleston) "Governor Chamberlain and the small band of honest Republicans defeated the thieves in every engagement." "But," it added ominously, "the men whom he has thrown down, and who did not want or expect reform, are wild with rage and despair."<sup>1</sup>

As a Southern reformer of the right party stripe in point of Unionism this governor from New England won

<sup>1875,</sup> hearty regard in the region of his nativity, and, <sup>April 19.</sup> while attending the Centennial celebration at Lexington, April 19, 1875, he made a moving speech for harmony and reconciliation between Massachusetts and

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<sup>1</sup> Charleston News and Courier, quoted in VII. Rhodes, 164.

South Carolina, as in the old days of the Revolution here commemorated. "I offer to my fellow-citizens," he exclaimed, "the fraternal, patriotic greeting of South Carolina, now once more marching to the music of that Union that the blood of her sons had helped to cement."<sup>1</sup> Chamberlain walked erect, this day of hallowed memories, in the light of his fire and in the sparks that he had kindled. A noble throb must have stirred his heart to be in his own person the accredited minister of peace and restored good feeling between States whose ways and opinions had so widely diverged in the century intervening. But if so he was self-deceived. Reverse the picture, and ask ourselves whether Massachusetts, whose traditional pride surely equalled that of the Palmetto State, would have committed far her political future to a newcomer from South Carolina whose military service wounded her sentiments, and who held Executive power fortuitously by an alliance at the polls of dense ignorance and rascality, as opposed to the better elements of society, however manful might be his struggle, thus handicapped, to bring honest rule uppermost. Or whether such a governor, going back home to South Carolina to celebrate a Revolutionary Centennial, such as the battle of Camden, would have borne with him for a fraternal demonstration the hearty credentials of a State whose inmost disposition must have been, while gratefully accepting such intermediate good as he might be able to accomplish, to throw off that whole cursed burden of an interloping set for which he stood, and regain home rule under home citizens whose past had been in accord with State traditions and aspirations. That Chamberlain had other troubles in store for him with the crew of miscreants he tried to discipline will appear later in this narrative.<sup>2</sup>

Other Southern States in those years—Alabama, Mississippi, Texas, Florida,—though nominally readmitted, passed through much tribulation before regaining a

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<sup>1</sup> VII. Rhodes, 165.

<sup>2</sup> See Section V., *post.*

genuine self-government. Corruption and extravagance, a mania among capitalists for building railroads upon a weak financial basis, helped out by corruption 1873-1875 funds and the bribery of negro legislators and carpet-bag instigators to borrow the credit of the State; grinding taxes and a public debt heaped up to an aggregate close to bankruptcy—all these stirred citizens who were really such in each State to combine for ridding themselves of a vampire tyranny, under the mask of Republican government, which sucked the very life-blood out of the body politic. Southerners born and bred were not enamored of the present combination majority. If fraud was to rule at the polls that was a game which both parties could play; and doubtless the charges far and wide at the North that native Democrats—"White Leaguers," "Ku-Klux," or by whatever other name they might be called in opprobrium—won frequently at the local polls by fraud, violence, intimidation or even murder towards the blacks had some foundation. If racial riots broke out, negroes were pretty sure to get the worst of it; yet, as white citizens asserted in defence, negroes were not seldom the aggressors. The shortest way out of such intolerable conditions may not always be the most humane, but it proves usually the most effective. For this was a purgatory without purification, and there was no righteousness here in sight short of breaking loose and escaping. That all political advantage at the South should in the end redound to national partisans of the Democratic faith instead of the Republican was inevitable, when national Democrats alone befriended sufferers.<sup>1</sup>

One reason why this grotesque and horrible rule of a misled barbarism lasted so long was that our Republican leaders in Congress, more and more convinced that their experiment here was a failure, yet felt that they must keep their party dominant in the nation and themselves in political position. Hence, they shirked the responsibility of interfering with the Southern situation, but put the

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<sup>1</sup> See at length, VII. Rhodes, cs. 41, 42.

burden upon the shoulders of a military President whose popularity might bear a heavy weight. What the more unscrupulous among these statesmen sought was to maintain still and build up a Republican party at the South, with the help of the United States army and civil patronage, so as to secure at all hazards the electoral vote of 1876. Grant started as President to deal fairly and justly by the conquered section; and, until the autumn of 1874, except for the unwise choice he made as between the contesting governments in Louisiana, he had shown moderation and discretion for the most part. But at that time, and when the important mid-term elections were pending, he directed the United States troops of occupation to interfere and assist United States marshals in the elections of these States. Such orders were issued through Williams, the Attorney General, under color of a constitutional duty to "take care that the laws be faithfully executed," but Democrats and moderate Republicans at the North believed and asserted that Grant did this for managing the elections in the national interest of himself and the regulars of the Republican party. Stalwart Republican leaders who were bent on winning by fair means or foul were closest in his confidence, and 80,000 office-holders were in league with them. Moreover, Grant was suspected, not without good foundation, of promoting by such means a third-term ambition for himself.<sup>1</sup>

A singular change of the Presidential mind in the case of Arkansas is in point. Disappointing election returns showed that this State had gone Democratic with others in the resurrected section. In the spring of 1874, following a disputed election of 1872, Joseph Brooks and Elisha Baxter, the respective heads of two Republican factions in Arkansas, were in armed collision as to which of them was the rightful governor. On May 15, the President recognized Baxter—this time preferring the contestant on the side of internal peace and order, as he had not for Louisiana.

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<sup>1</sup> VII. Rhodes, 85, 86.

Carpet-bag domination came quickly to an end, a convention was called, and under Baxter's friendly lead a government of intelligence and public virtue was firmly installed, under a new constitution eagerly adopted by the people, by the October election of a Democratic governor, A. H. Garland, eminent in after years at Washington, with a new legislature and Congressmen of the same party. But now, in February, 1875, President Grant sent a special message to Congress, claiming that Brooks instead of Baxter had been the lawfully elected governor in 1872, and virtually asking leave to overturn the present government of Arkansas and reverse all that had been done there since his own decision of May. He took direct issue with a House committee, headed by Judge Poland, which reported that no such interference was advisable; but Poland, who was equal to the occasion, carried enough fellow-Republicans with him to adopt his resolution, and so checkmated the President's move to compel by sword and bayonet.<sup>1</sup> We should note, in this connection, in justice to carpet-bag rule at the South, now nearly at an end, that, under one method or another of dealing with the negro voters, the disability of ex-Confederate citizens to vote or participate in State office had not lasted long nor provoked much angry controversy.

From the political strife which raged with more or less bitterness in one State jurisdiction or another, in that disordered section, with its inevitable result of checking negro suffrage in the universal sense, let us turn for a moment to the "New South" in its industrial aspects, now slowly but hopefully rising from the ashes of a <sup>1865-1875.</sup> ~~funet~~ Confederacy for a higher and better flight.

Except for the old and feeble who were passing on in despondency natives of the master race girded up their loins and addressed themselves with energy to the work

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<sup>1</sup> VII. Rhodes, 86-88. The vote stood, March 2, 1875, 150 to 81; Dawes, Garfield, Hale, Hawley and the two Hoar brothers being among the Republicans who stood with Poland.

of State and sectional recuperation, cheerful through all discouragement. Men, once haughty slave-owners and contemptuous of personal labor, sought to repair their broken fortunes as opportunity offered. Always tender and chivalrous towards women who moved in their own social sphere, they kept wives, daughters, mothers and sisters sheltered safe at home, while husbands, brothers and sons procured outside the means of living. Young men of pedigree who had been brought up to indolence and pleasure found employment as clerks, brokers, car conductors—wherever, for the time being at least, they might earn an honest support. Graduates of Annapolis Academy who had once held naval rank under commissions from the United States now served as captains of private coasting vessels or took command of passenger steamers which plied from one home port to another. Farmers and plantation owners coaxed subsistence from an impoverished soil with their own hands, while labor conditions continued in disorder. All now were poor together at the South and pride with foolish ostentation was cast aside.

The first impulse of these brave people had been, when war was over, to gain capital from outside for a new agricultural and industrial development. In view of the speedy reconstruction looked for in 1865 Northern wealth and energy had passed the threshold; but with reunion set back by Congress, first essays found unsuccessful and the only available labor in this section utterly disorganized, capital from outside had been driven away. For six years or more the Southern people staggered under heavy burdens, financial, industrial and political, which retarded their progress and repelled all external aid. But they bore their disappointments with patient endurance and by 1872 were already struggling upward to a firm position.<sup>1</sup>

The plantation negro, too, at first disposed to loaf and play politics in his new freedom had begun working again either upon wages or so as to share with the landowner

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<sup>1</sup> DeLeon in 48 Harper's, 270.

in the crops. Childish in methods he needed intelligent direction. Staple products under such combination increased steadily; sugar, tobacco and rice still made a poor showing to be sure, but the cotton crop about this time attained a wonderful expansion. Fruit cultivation had already been started in Florida. The heaviest loss Southern planters had sustained by war—slaves, of course, excepted—had been in cattle and live stock. Wise leaders like Benjamin H. Hill advised fellow-citizens to make cotton henceforth a surplus product, raising the needful home supplies, first of all, and then selling cotton outside as market prices at a given time might justify.<sup>1</sup>

The New South was by 1872 projecting cotton mills, iron mills and saw mills, all to be erected on home soil. Alabama disclosed new coal fields in the region of Birmingham, and iron, available for the new railroad industries, was found in various parts of the South. For commerce and navigation the North still had much the advantage: since it virtually monopolized the carrying trade of the Union and controlled the market prices of the chief staples. Direct trade with Europe was not well open to this impoverished section and New Orleans had the only regular line of steamers crossing the ocean. The coastwise trade was chiefly under the control of Northern capital.<sup>2</sup>

### SECTION III.

#### THE MID-TERM REVERSES.

We have already noted incidentally that the mid-term elections of 1874 went badly for the Republican and dominant party. Let us now observe in detail the causes and circumstances of that reverse.

Grant's large electoral majority for a second term was not, as he seemed to think it, a vote of vindication and personal confidence, but one of generosity and earnest hope that he had made his worst mistakes and would improve upon the renewed opportunity to make a good

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<sup>1</sup> DeLeon in 48 Harper's, 279.

<sup>2</sup> *Ib.*, 555.

administration. The failure of civil service reform, at length obvious, the bad appointments and favoritism, the meddlesome iron hand he showed in Southern polities at New Orleans and elsewhere, the dread <sup>1874.</sup> of a "third term" incumbrance which he did nothing by letter or orally to dissipate—all this moreover in a prolonged season of dull depression in business—combined to make Grant's new administration unpopular widely before it had gone half-way. And to offset such occasion for criticism there was nothing whatever but his courageous veto of the inflation bill, nor was the full bearing of that action more than dimly apprehended. For the Congress whose first session closed on the 23d of June, 1874, settled nothing upon the issue of financial relief, but left all further remedies and contrivance postponed indefinitely.

The fall elections of 1873 had shown light voting and much Republican apathy. Dislike of moneyed monopolies and the railway magnates unified rural denizens of the north-western agricultural States in an interested opposition of their own. Farmers had here formed, about the Spring of 1871, a chain of associations, styled <sup>1873.</sup> "Patrons of Husbandry" or "Grangers," starting with Iowa and extending as far eastward as Ohio, and southward through Tennessee into the northern portions of Mississippi and Alabama. At a national convention of the order which was held at St. Louis, February 4, 1874, nearly 12,000 subordinate granges were reported, having an aggregate membership of nearly a million, whose distribution was through ninety-two States and two territories.<sup>1</sup>

The avowed purpose of this organization was protective rather than political. What Grangers sought to accomplish was mainly to compel the railroads to reduce their rates for farm products seeking a market, and most of all, to prevent unjust discrimination in the freights. Yet political methods were used to advance such ends; and,

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<sup>1</sup> Harper's, April, 1874.

co-operating with the Democrats in 1873, they elected a governor and legislature in Wisconsin, reduced the Republican majorities in Iowa and Minnesota and displayed considerable strength in Illinois and Kansas.<sup>1</sup>

So too, in the session of Congress lately adjourned, the Grangers made a decided impression in the House. A new committee was here constituted, of which George W. McCrary of Iowa, a member of rising prominence,<sup>2</sup> was appointed chairman. About January, 1874,  
<sup>1874, Jan. - March.</sup> McCrary introduced a bill to regulate inter-State commerce by the appointment of commissioners who should fix maximum rates for freight and passengers. The House passed the bill in March; but there for the present the subject rested, to be revived in a later era. Railroad rate laws were already in force in Iowa, Minnesota and Wisconsin.<sup>3</sup>

Various States held constitutional conventions during the year 1873, to revise the local fundamental law—

<sup>1873.</sup> New Jersey, Pennsylvania, Michigan and Ohio in particular. Pennsylvania's new constitution, which was ratified at the polls, December 15, 1873, by a large majority, contained among other reforms a change of date in general State elections so as to correspond with that for President and Vice-President of the United States. But the new constitution framed for Ohio was defeated on submission to the people. Hence Pennsylvania, without Ohio to join her, at once passed from the list of "October" States, hitherto so closely watched whenever our national campaign was in progress.<sup>4</sup>

In the mid-term national elections of 1874 the well-defined issue was, whether the Republican President and Congress now in power deserved the confidence of the country, and the response at the polls was emphatically

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<sup>1</sup> VII. Rhodes, 67; Annual Cycl., 1873, p. 622.

<sup>2</sup> He became Secretary of War in 1877 under President Hayes.

<sup>3</sup> Cong. Globe, March 26, 1874; Harper's, May, 1874.

<sup>4</sup> Harper's, 1873, *passim*.

in the negative. A new Civil Rights bill, which had passed the Senate, and was still pending in Congress,<sup>1</sup> nearly all the Democratic conventions which were held during the canvass, denounced severely, while the "third-term" apparition which had loomed up portentously was exorcised like Cæsar's ghost. Both Vermont and Maine started off this year, choosing Republican governors by good majorities; but when it came to the October States <sup>1874.</sup> alarming defeats were sustained both in Ohio and Indiana; Democrats carrying the former State by about 20,000 and the latter by 15,000. In Arkansas the conservative ticket prevailed so overwhelmingly, that the Brooks party there was annihilated. And when the November elections followed through the whole country, twenty-three States showed an amazing reaction against Grant's administration, and the ruling set in Congress.

In New York State General Dix, who was respected personally by all in his old age and had made an excellent governor, lost a re-election by figures the close antipodes of his majority of 50,000 or more in 1872, showing that about that number of voters in the State had since changed their minds in politics; and Samuel J. Tilden was chosen over him, a Democrat whose zealous activity in the Tweed ring prosecutions of New York City stamped him as a political reformer. In Massachusetts, William Gaston, a Democrat, won as governor, though its annual legislature remained Republican. Pennsylvania went Democratic on a list of the lesser State officers and chose twelve Democratic Congressmen to the next House. A decisive victory for the Democrats in Missouri presaged the defeat of Schurz, the Liberal, for re-election to the Senate.

A growing disgust of the people with present misrule explained this political overturn; and likewise the general repugnance towards a third term, such as Conkling and other stalwart Republicans had pressed in course of the

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<sup>1</sup> It had passed the Senate, May 23, 1874, soon after Sumner's death, in the shape of a final legacy he had bestowed on his death-bed. See *post.*

canvass, aided by Forney with his "Kitchen organ" and some obscure partisans in South Carolina and Florida. This overwhelming response at the polls gave that project a mortal wound. Grant had betrayed at least a tacit consent for such a distinction, and opponents declared loudly that he never meant to leave the White House until he was carried out feet foremost. A break in the Presidential succession was now inevitable. To Democrats an opportunity was disclosed in the new deal to be afforded; yet victory here was due not so much to themselves as to a new revolt in the Republican ranks.<sup>1</sup>

Candidates for Congress in this campaign prevailed largely by personal character and independence. Garfield was re-elected to the House as a mark of confidence after desperate efforts made to defeat him, and Charles Foster of that State, a foe of corruption, was also rechosen. Abram S. Hewitt, a citizen of tried integrity, whether in business or politics, was one of the delegation for New York City. In eastern Massachusetts, Banks, who was now somewhat of an avowed Democrat, went back to Congress, defeating his stalwart rival Gooch, while Professor Seelye, from a district among the Berkshire hills, won an independent election so readily that the cost of the postage stamp to his letter accepting a nomination was said to have been his only campaign outlay. Dawes had declined to run again.

Great was the exultation through the whole country at Butler's defeat as a camper in Essex county by a Democrat who lived there. But such rejoicing was premature; for, two years later, Butler was returned to Congress from another district; and, backed at all times in Massachusetts by populistic admirers for the time being, whatever might be his latest chameleon hue in politics, he served in 1883 as governor of that State before his renegade career came to an end. His strength in politics consisted largely in baiting the honored and respectable to please an envious multitude. When he first invaded the Essex district in

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<sup>1</sup> Newspapers, Sept., Nov., 1874; author's recollections.

1866 to run for Congress a pseudo-Republican, a Republican resident of that district, the adjutant general of the State, who had faithfully served through the Civil War and to whom Governor Andrew penned a tribute as his last official act, opposed his candidacy in an open letter; and Butler followed up his success at the polls by demanding the summary removal of that adjutant general, which Bullock, the new governor, was weak enough to grant. In the next canvass for Congress in 1868, a bolt of opposing Republicans was organized, whose candidate was Richard H. Dana, a lawyer of high attainments and social standing who had been district attorney under President Lincoln. Butler again won and took his revenge some years later, when Grant nominated Dana for minister to England, by lobbying in the Senate and procuring Dana's rejection. But the Massachusetts opposition to Butler within the party gained gradual strength with the Simmons incident,<sup>1</sup> under the persevering lead of the two Hoar brothers; the Judge, who served one term in Congress, stigmatizing him as "the Tichborne claimant,"<sup>2</sup> while George F. quoted a characterization of "swagger, quarrel, failure." All this bore upon Butler's present defeat; in connection with which both Dawes and Boutwell, who had courted or at least tolerated his good will, lost caste to some extent. Dawes for the present failed to gain the seat left vacant in the Senate by Sumner's death which he had desired; while Boutwell, who had been serving for Wilson's unexpired term, lost a re-election and left public life; George F. Hoar supplanting him in 1877, to serve among the most famous in that branch of Congress for the rest of his life.<sup>3</sup>

Congress reassembled for a final session, Dec. 7, 1874, its majority undaunted by the disappointing election

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<sup>1</sup> See the Simmons incident, *supra*, p. 229.

<sup>2</sup> In allusion to a famous English prosecution at this time of an Australian butcher who made fraudulent personation as the missing heir to a large landed estate in the mother country.

<sup>3</sup> Newspapers; author's recollections.

news, and ready as always to take up constructive legislation with a firm hand. This was the winter of de <sup>1874, Dec. 7-</sup> briand's swoop upon the Louisiana legislature; <sup>1875, March 4.</sup> of Sheridan's "banditti" despatch; of investigation and counter-investigation at New Orleans by House committees sent on from Washington.<sup>1</sup> The President, in his opening message, boldly defended what he had done in recognizing and upholding the Kellogg government of Louisiana and avowed it to be his solemn duty to protect all Southern negroes in their lawful exercise of the suffrage as against all "Ku-Klux" or "White League" outrage for purposes of intimidation. The recent election of Chamberlain as governor of South Carolina by a large majority, white and black combined, gave party managers at Washington good reason to hope that the electoral vote of that State, at least, of the lost Confederacy would in 1876 be cast for a Republican President and Vice-President.

The President's message advocated an early return to specie payments and Secretary Bristow in his Treasury report seconded such a policy. Plainly, whatever might be accomplished at all in that direction would have to be done at once, since agreement on that difficult subject between a Democratic House and a Republican Senate in course of the next Congress would be impossible. Without delay, then, various bills for financial relief were introduced to meet the emergency. A currency bill had passed, during the long session preceding, which undertook to redistribute the national bank paper circulation and fix for it an aggregate limit.<sup>2</sup> But that act was now repealed and, following the present recommendation of the President and Secretary, a new one passed both Houses before the middle of January, which made for actual resumption. This later act fixed January 1, 1879, definitely as the date when specie payments should be resumed.<sup>3</sup> To the assiduous efforts of John Sherman, both the passage of this latter statute and the successful accomplishment of

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<sup>1</sup> *Supra*, p. 248. <sup>2</sup> Act June 20, 1874. <sup>3</sup> Act Jan. 14, 1875, c. 15.

its declared purpose when the time came are chiefly due. Sherman's expert knowledge of finance and the prominent position he held as chairman of the Senate committee on that subject made him the recognized leader at the capitol in the present legislation. He was a compromiser by instinct and the act itself was somewhat of a compromise as he framed it, for it left the reissue of retired greenbacks in the future an open question, so as to harmonize the support of inflationists and contractionists in either House; and moreover, while providing for free banking, as western members wished, it undertook that government's greenbacks should be withdrawn, to a fixed extent, as fast as national bank notes could supply their place. The fractional paper currency of war times was under this statute to be replaced by small coins.

As chairman of a very able committee of the Senate which represented the diverse party views held on this whole perplexing subject, Sherman brought his colleagues to adjust their differences in a spirit of patriotic concession, and the present act, whatever its shortcomings, met fully in the end the essential purpose intended, because of the methods under its sanction. Sherman himself, as Secretary of the Treasury under the next succeeding administration, showed skill and adhesiveness, and, by making good use of the opportunities this compromise measure afforded him when business revived, accomplished the financial end long desired. When January 1, 1879, arrived, the highway of specie resumption was successfully reached without distress or sacrifice worth mentioning. For all this Sherman's name deserves enrolment among America's great deliverers from the slough of business despond with Hamilton and Dallas of earlier days.<sup>1</sup>

Steps needful to increase the public revenue were also taken in course of this brief session upon the advice of Secretary Bristow. A new act which passed both Houses raised the existing tax on tobacco and spirits and certain other matters of excise. This was styled the "little tariff";

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<sup>1</sup> See VII. Rhodes, 69-73.

and it narrowly escaped defeat.<sup>1</sup> No other tariff act later than this session appears to have passed Congress until 1883.<sup>2</sup>

Although the House, as we have seen, declined to authorize the President to throw troops into Arkansas, as he wished, for putting the Brooks faction back in power there to meet his change of mind,<sup>3</sup> Grant and the radical Republicans in unison got a stringent force bill through the Representatives' chamber which expressly authorized the President to suspend *habeas corpus* in Louisiana, Arkansas, Mississippi and Alabama until March, 1877. This was clearly a project for securing to the Republican party such electoral votes of Southern States in 1876 as might prove needful to choose a Republican President, since Democrats would win if they had but fifty Northern electoral votes besides the solid South. This bill passed the House by a considerable majority, though some of the wisest and fairest Republicans voted against it.<sup>4</sup> Fortunately, it reached the Senate too late for ample discussion, and the 4th of March brought this session to a close before a vote in that branch was taken upon it.

A new Civil Rights bill, however, went through both Houses expeditiously and smoothly, during the last month of this session, and duly received the approving signature

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<sup>1</sup> Act Feb. 8, 1875, c. 36, with amendment under March 3, 1875, c. 127.

<sup>2</sup> VII. Rhodes, 73, note, citing 2 Stanwood, 188. A tea and coffee "breakfast table" tax had been lost to the government, under a former act, without any real benefit to the consumer, though nominally for his special benefit.

<sup>3</sup> *Supra*, p. 260.

<sup>4</sup> It passed Feb. 27, 1875, by 135 to 114. Its object was admitted by an editorial in the National Republican, the organ of the administration in Washington. VII. Rhodes, 89, 90; N. Y. Nation, Feb., March, 1875, and other newspapers; author's recollections. Two-thirds of the majority which passed this bill in the House consisted of men who had not been re-elected to the next Congress. The President appointed to office many retiring Representatives who supported this force measure, besides making Joseph Brooks postmaster at Little Rock, Arkansas.

of the President. Discarding the Senate bill which was pending here at the former adjournment,<sup>1</sup> the House in February took up a measure of its own reported from the Judiciary Committee by Butler, its chairman, who championed its progress through that body. Despite all doubts expressed of its legality the Senate majority concurred with the House in its passage, and the bill became a law on the first of March.<sup>2</sup> Its main intent was to give all negroes equal rights with the white man in public conveyances and at theatres and other places of public amusement. In such respects the act was by 1883 pronounced unconstitutional and void by the Supreme Court, since the rights whose guaranty was here attempted were not so much civil rights as social rights, and hence were among residuary matters left to the discretion of individual States, which the Union as a whole had no power to regulate.<sup>3</sup>

In the course of a House debate in January, 1874, upon the earlier civil rights bill, a dramatic scene had occurred, which spectres of our earlier statesmen who had been eminent in Congress—were any such flitting about the chamber—must have gazed upon with astonishment and dismay. Alexander H. Stephens, of “corner-stone” fame,<sup>4</sup> Vice-President of the late Confederacy, now sat among Union colleagues here for the rest of his life, a sadder and wiser man, with all his former impetuosity gone as a Parliamentarian; gently disposed and treated well henceforth by men of all parties. Boyish still in looks during his old age but pale of aspect, he was so frail and feeble that he sat in a wheeled chair which he would propel with his hands about the chamber. He argued on the present occasion against legislation of this

<sup>1</sup> *Supra*, p. 265.

<sup>2</sup> Act March 1, 1875, c. 114.

<sup>3</sup> VII. Rhodes, 90, 91; 109 U. S. 3. As to public conveyances for interstate travelling, however, the court gave no opinion, that question not being presented in the case. Another provision of this act, to prevent negroes from being disqualified for juries, seems to have raised no contest.

<sup>4</sup> See VI. Schouler, 60,

kind, by the general government. All men he conceded, were created equal in certain respects, but he did not hold to the doctrine that all races were on an equality. The prime cause of our civil strife in the past had been the status of the African race; but that "thorn in the flesh," so long the cause of irritation between these States, was now removed for all time to come. "And since," he continued, "the passions and prejudices which attended the conflict are fast subsiding and passing away, the period has now come for the descendants of a common ancestry, in all the States and sections of this country, to return to the original principles of their fathers, with the hopeful prospect of a higher and brighter career in the future than any heretofore achieved in the past. On such return depends, in my judgment, not only the liberties of the white and colored races of this continent but the best hopes of mankind."<sup>1</sup>

Stephens had spoken with much earnestness and discretion. But the position he took on this delicate issue was disputed the next day by Robert B. Elliott, who represented here a South Carolina district: a mulatto gifted naturally with eloquence, like others of his race, and, if we are to consider the speech as wholly his own composition, a scholar of rare skill and research, besides, in pertinent statement. He frankly avowed himself pledged to the welfare of his once downtrodden race. "The gentleman from Georgia," he responded to Stephens, "has learned much since 1861; but he is still a laggard. Let him put away entirely the false and fatal theories which have so greatly marred an otherwise enviable record. Let him accept in its fullness and beneficence the great doctrine that American citizenship carries with it every civil and political right which manhood can confer. Let him lend his influence, with all his masterful ability, to complete the proud structure of legislation which makes this nation worthy of the great Declaration which heralded its birth." And in a stirring peroration he recited the

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<sup>1</sup> Cong. Globe, Jan. 5, 1874.

prayer of Ruth: "Thy people shall be my people, and thy God my God."<sup>1</sup>

To spectators who looked down from the gallery upon this singular strife of words between a former master and a former slave it seemed as though a new racial epoch had already opened in our public experience; but time demonstrates that it was only an episode of national politics, already passing and soon to be forgotten.<sup>2</sup>

By one of the final acts of the forty-third Congress, Colorado territory was authorized to form a constitution and government and prepare for statehood. The admission of that new State into the Union took effect <sup>1875,</sup> by August, 1876, in good season for Colorado to <sup>March 3.</sup> cast three electoral votes for the Republican candidates for President and Vice-President; a momentous circumstance, as we shall see, in the outcome of that eventful year.<sup>3</sup>

Important changes took place in Grant's cabinet during the interval which preceded the assembling of another Congress. Williams, the Attorney General, resigned in April and was succeeded by Judge Edwards Pierrepont of New York. The selection was a good one, and the cabinet as now constituted, with four strong men such as <sup>April-</sup> Fish, Bristow, Jewell and Pierrepont, abounded in <sup>September.</sup> safe counsellors, could only the President have kept it unaltered. But this conjunction did not last long. Delano, at the close of September, retired from the Interior

<sup>1</sup> Cong. Globe, Jan. 6, 1874.

<sup>2</sup> Author's recollections; 2 J. W. Forney's Anecdotes, 313. Elliott resigned from the House not long after this to become a sheriff and was afterwards the speaker of the House in South Carolina. He was an unsuccessful candidate for attorney general of the State in 1876 on the Chamberlain ticket. He drifted later to Louisiana and was never again prominent in public life, as focused here at Washington. Notwithstanding his great talent at oratory he appears to have been something of a rogue in moral character. See N. Y. Nation, Sept. 21, Oct. 5, Nov. 2, 1876.

<sup>3</sup> Act March 3, 1875.

Department as its Secretary, overborne by abuses in the bureaus under his charge which he could not rectify. He was succeeded in October by Zachariah Chandler of Michigan, who had lately lost his long hold upon his State through the party misfortunes. This choice turned the course of Grant's administration in a dangerous political direction; for Chandler, though highly efficient and capable in transacting the public business, and a man too wealthy to be tempted to personal corruption, was intensely radical in political sympathy and the more so while the wounds were fresh which conservatives of his own Republican party had inflicted upon him in Michigan.<sup>1</sup> It should be said to his credit that he worked with energy and signal success to bring his Department into good condition, and that, without pretending to be a believer in non-political civil service but rather the reverse, he compelled those under him to an honest and strict performance, correcting largely the abuses which had grown up under his predecessor. Whatever Chandler undertook, whether in business or politics, was performed with an honest energy, though he was never overscrupulous in methods.<sup>2</sup>

For Secretary Fish no important laurels were to be won during this second term of Grant's Presidency, and for the most part the State Department pursued in these years a quiet routine. With Spain, however, relations, in consequence of the Cuban insurrection, became at one point critical. Castelar's short-lived republic in <sup>1873-1875</sup> that peninsular country, which Congress had welcomed by joint resolution, was superseded by a restored monarchy in the summer of 1875, Alfonso being placed upon the throne. Meanwhile the civil conflict in Cuba went on in a languid and desultory way, without

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<sup>1</sup> VII. Rhodes, 182, *n.* Delano appears to have been above suspicion personally, but had not been able to keep the atmosphere of this department untainted and hence his resignation.

<sup>2</sup> Chandler was again chosen to the Senate in 1879 by the Republican legislature of Michigan and died that same year.

reaching definite results. In October, 1873, the *Virginius*, a filibustering steamer, American built, which was bound to that island from Jamaica, with war material on board and insurgent passengers, was sighted by a Spanish war steamer, and after a brisk pursuit captured and brought into Santiago de Cuba. Of the prisoners taken, many among the crew and passengers were, by early November, condemned to death by a summary court-martial and shot, and among these were eight American citizens. There was great excitement in this country when the news arrived: indignation meetings were held in New York City and elsewhere, and our government was urged to take violent measures against Spain on behalf of Cuban independence. Fish managed the situation with delicate tact and discretion; Castelar, who was then in authority at Madrid, deplored that bloodshed for which the Spanish Captain-general in Havana, without his own knowledge or sanction, was directly to blame; and a fit reparation was soon arranged as between Spain and the United States. On December 16 of this same year the *Virginius*, with an American flag flying, was delivered by the Spanish Admiral Polo to the American Navy at Cuba; and on the 18th the surviving prisoners were surrendered, all of whom reached New York in safety. Indemnity was arranged by Spain for the families of those Americans who had suffered death. Singularly enough, the restored vessel, encountering a storm off the North Carolina coast while making passage to New York, went to the bottom of the ocean; while the stars and stripes, whose insult by Spanish capture had been much insisted upon at our first outburst of popular wrath, proved to have been improperly carried if carried at all; and hence a salute of the flag by the Spanish admiral had been dispensed with by mutual consent when the steamer was given up.<sup>1</sup>

Sickles was not enough of a diplomatist to handle this

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<sup>1</sup> VII. Rhodes, 29-36, at length. The flag "insulted" appears to have been no American flag at all, but a piece of bunting of doubtful symbolism. N. Y. Nation, March 18, 1875.

matter properly at Madrid, and his effort being apparently to involve this country in a hasty war with Spain rather than arrange a settlement, differences between him and Secretary Fish led to his resignation; and in early 1874 Caleb Cushing went as minister to Spain in his place. Cushing did much to restore good feeling between the two governments, which had come so nearly into armed collision. This was Cushing's last appearance in public life, for he died at his Massachusetts home, early in 1879, soon after returning from Europe with his present mission ended.

1879. A man of untiring industry and brilliant accomplishments of a versatile character, as lawyer, legislator, diplomatist and occasional writer, and moreover, as one of the very few officers from New England who ever led volunteer soldiers to the Mexican war—Cushing had figured for nearly half a century in the public gaze, in one capacity or another, and did much excellent service. But he skirted on the edge of parties and was throughout more the counsellor of statesmen than a statesman himself; his convictions went largely by his retainers; and in the course of a long life he made more political enemies than friends and kept scarcely an intimacy.<sup>1</sup>

The chief task of this second administration, with perilous responsibilities, devolved really upon the new Secretary of the Treasury. Bristow was a man of mental

1875. and physical robustness, honest, fearless and full of

energy, whose previous professional experience had qualified him to ferret out criminals, and apply the screws of prosecution. For about five years past there had existed a Whiskey Ring at the West, composed of internal revenue officers and distillers, whose seat of operation was at St. Louis, with work by accomplices at Washington. The tax on distilled spirits imposed by Congress was now very high and great profit accrued upon sales and ship-

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<sup>1</sup> Cushing was confirmed as minister to Spain in January, 1874, shortly before his nomination (*supra*, p. 230) as Chief Justice. See Harper's, March, 1874.

ments wherever this tax could be evaded in some way. Government, by round estimates had been defrauded of about \$2,786,000 in the course of six years to 1875, during which John McDonald held office as supervisor of internal revenue and was partaker in the corruption. A campaign fund, in the interest of the Republican party and Grant's re-election to office, made the ostensible purpose of assessments levied by him from time to time upon the favored distillers, but much of the money doubtless swelled the profits of official members of this ring, including McDonald himself, whose political outlays in coarse and boisterous entertainment alone were considerable.

Besides breaking up this ring the painful duty devolved upon Secretary Bristow to bring the past offenders in government employ to justice. With the co-operation of Pierrepont, the Attorney General, and a capable solicitor of the Treasury, Bluford Wilson, Bristow secured the indictment and conviction of four corrupt officials besides a St. Louis journalist. But in working up the evidence, he ascertained that Babcock, a confidential adviser and private secretary of the President,<sup>1</sup> had been a member of the whiskey ring and a sharer in its profits. Upon an official letter hinting his unwelcome discovery, Grant, who was then passing his usual summer vacation at Long Branch, made the indorsement "Let no guilty man escape," and ordered Bristow's search for facts to continue. Public sentiment throughout the land was profoundly roused by those ringing words of the President and became fastened intently upon the exposure which the newspapers soon spread abroad. But the President's mood toward Babcock changed very quickly; his sympathy for household friends and those in particular who were bound to him by the ties of military comradeship rose always superior to a stern sense of justice; and, likely enough, his private secretary made some explanation in confidence which satisfied him.

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<sup>1</sup> Babcock had been Grant's officious negotiator in the San Domingo scheme of annexation. *Supra*, p. 164.

At all events our Chief Executive's ardor for pushing a prosecution of the guilty cooled presently, and when in December, 1875, Babcock was indicted in St. Louis with the other parties accused of a conspiracy to defraud the revenue, Grant became first covertly and then openly hostile to the prosecution. Incensed by an exaggerated report, that ex-Senator John B. Henderson, whom government employed at St. Louis as special counsel in these cases, had in one of his pleas made insinuations reflecting against the President's honor he caused his immediate dismissal from service.<sup>1</sup> He also caused Attorney General Pierrepont to send a circular letter which warned accomplices in guilt against giving testimony at the trials in the hope of gaining immunity for their own wrong-doing.<sup>2</sup> Besides all this the President, in February, 1876, made, for use in Babcock's trial, a solemn deposition at the White House before Chief Justice Waite, to the effect, not

<sup>1876.</sup> only that he had never himself known, directly or indirectly, that any funds for political purposes were raised by improper methods, but also that he always had great confidence in Babcock's integrity and efficiency and had never observed anything in his conduct or talk which indicated that he was interested in or connected with a Whiskey Ring. This voluntary testimony of the President given in Babcock's defence, and the Presidential eagerness shown for his acquittal, carried doubtless great weight both with the judge who tried the case and the jury,

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<sup>1</sup> Henderson was relieved of duty as counsel, Dec. 10, 1875, and James O. Brodhead, a capable lawyer at St. Louis, succeeded him. But the change at such a stage of proceedings hindered the prosecution in Babcock's case. Grant's whole cabinet condemned Henderson's reported remarks to the effect that the President was interfering to save the whiskey ring. VII. Rhodes, 185. Yet the judge who heard Henderson's plea made positive statement that nothing whatever was said which reflected upon the President. N. Y. Nation, Aug. 3, 1876.

<sup>2</sup> This letter Pierrepont issued against his own inclination, and it hindered testimony which might convict. N. Y. Nation, Aug. 3, 1876.

and a verdict of not guilty was the result. Babcock resumed his duties at the White House after his acquittal; but public opinion soon compelled his withdrawal from that post of confidence, for many of the people still believed, and upon the facts in evidence had good reason to believe, that the charges against that officer were true.<sup>1</sup>

Grant's settled dislike of this whole pursuit of whiskey ring culprits by the Treasury became manifest. Three of the offenders found guilty he pardoned after about six months' imprisonment, and McDonald, the leader in the frauds, by January, 1877. Toward Bristow he froze in official intercourse and the resentment he felt was cherished to the last. He accepted that faithful Secretary's resignation on the first opportunity, gave out that zeal for a Presidential nomination had been the real motive of his prosecutions, and when it came to the selection of a party candidate to succeed himself, stated that he preferred any one else rather than Bristow. Yet in all this Grant was doubtless clear of dishonest purpose. No one who really knew him believed him other than innocent of connivance or participation in any criminal wrong-doing, and at heart thoroughly honest.<sup>2</sup> Recreancy in respect of appropriating public money for private enrichment has never yet been justly imputed to any President of the United States nor to a Secretary of the Treasury. But Grant's moral discrimination was blunt and his perceptions of official propriety far from clear while he held his exalted station. He had allowed McDonald, whose government salary was only \$3000 a year, to pay the whole Presidential bill incurred on a ten days' visit to St. Louis, in 1874, and had accepted from him with bland acknowledgment the gift of a pair of horses that won his admiration.

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<sup>1</sup> See, at length, VII. Rhodes, 183-189.

<sup>2</sup> "I would as soon think St. Paul had got some of the thirty pieces of silver," was the comment of Judge Hoar, who had a keen insight into character and saw much of Grant during these years. VII. Rhodes, 188.

tion, together with a costly outfit of wagon, harness and whip, never asking a whence or a wherefore.<sup>1</sup>

As Bristow observed, in one of his Treasury reports: "Neither laws nor regulations, however stringent, will accomplish the desired results, without faithful officers to execute them."<sup>2</sup> Both ruler and the ruled in this country had reason anew to ponder over this expression when, very shortly after Babcock's acquittal, a new scandal was revealed at Washington in the Executive circle, to deepen the disgust of plain and honest citizens with this exasperating administration.

#### SECTION IV.

##### CENTENNIAL CELEBRATIONS.

The earliest and greatest centennial anniversaries of Revolutionary resistance and independence in these American colonies, were celebrated during the years 1875 and 1876. One hundred years from the birth of popular self-government in this western world marked an occasion when fellow-citizens of the United States should cherish fraternal memories of love and gratitude for the past and recombine for concord and hearty conciliation in the future. That such a spirit worked and developed among our people through all discouraging difficulties at the present time, the record makes manifest; and yet all was not gained in national harmony that might have been hoped for in these two years.

The great public commemorations of 1875 occurred in Boston and its close vicinity, while the most momentous one of 1876, and indeed the climax of all Revolutionary celebrations centred, as was most fitting, in Philadelphia. It was well that the later offspring who guarded the sacred traditions of past sacrifice should gather successively in

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<sup>1</sup> VII. Rhodes, 184. Babcock about the same time received from McDonald a diamond shirt stud costing \$2400. *Ib.*

<sup>2</sup> Dec. 1875, report. See N. Y. Nation, Dec. 6, 1875.

those two cities, both so typical still of Revolutionary traditions and, with all their present wealth and prosperity, preservers of the old buildings and old surroundings where fame immortal was born and cradled.

On a clear Sunday evening, April 18, 1875, the chimes of Christ Church in Boston (the "Old North") pealed at sunset; and when it grew dark the tall spire which from Copp's Hill overlooked the water towards Charlestown and Cambridgeport, displayed first one lighted lantern and then another,<sup>1</sup> to a crowd of native Americans of both sexes, that filled that night, unwonted, the narrow streets about the venerable edifice, which were now tenanted mostly by foreigners among whom Italians were gaining pre-eminence. A full congregation of both sexes attended the evening service which was held in this quaint temple, soon after. During the next day the 19th, which was raw and inclement, with a very cold wind, a host of visiting spectators moved upon Concord and Lexington, in countless numbers, quite an unexpected revelation to those who had the arrangements in charge in those prim and usually sedate towns and had not prepared for entertaining such a multitude with or without a miracle. At the station in Boston the railroad equipment for the little branch spur of track reaching these towns was so inadequate that crowded trains moved back and forth as they might, regardless of schedule time; while from the horse-car terminus at Arlington people journeyed on foot or by whatever conveyance might offer to and from the historic spots in Lexington and Concord, where a hubbub view was afforded of the ceremonies going on. President Grant and lesser choice dignitaries of the nation were among the invited guests in a canvas pavilion at Lexington, of which few comparatively among the shivering sight-seers got even a good glimpse, in the elbowing multitude of hungry and thirsty gazers. Judges and other citizens of

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<sup>1</sup> "One if by land and two if by sea,  
And I on the opposite shore will be."  
Paul Revere's Ride (Longfellow).

rank might be seen that afternoon, riding in ox carts or milk wagons in order to get back home, impressing for their need whatever chance vehicle some townsman might afford them, for love or money. At Concord, where once the embattled farmers stood "and fired the shot heard round the world," a fine statue of the ideal minute man by French was unveiled.<sup>1</sup> On the 17th of June, with better arrangements and in finer weather Bunker Hill's battle was celebrated; and a grand military pageant of Massachusetts soldiers moved through Boston's principal streets, admired by crowds of spectators in doors and out. Among those here taking part the most unique and notable figure was that of a Democratic Governor and Commander-in-chief on horseback; a rare spectacle, then, in Massachusetts, for the genial and capable Gaston, after serving but a single year, with a Republican council and legislature to hinder him from accomplishing anything, was overthrown at the polls in November and an Executive of the familiar Republican sort succeeded him in office.<sup>2</sup>

There were orators of note at these three celebrations: George William Curtis at Concord; Richard H. Dana at Lexington, and General Charles Devens at Charlestown. Orators abound latterly for the order of exercises on each public occasion, like the clergymen who offer prayer. But the golden age of American eloquence had passed, with its Everett, Choate and the Olympian Webster; and this both because such speakers were not among the living and because rapt audiences, once so responsive to impassioned appeals for uncalculating love of Union, no longer gathered to listen. Thirty years of burning remonstrance, in prose or verse, against human slavery closed, besides, when the shackles fell from the limbs of the oppressed, and the negro, at length emancipated forever and no longer the creature of romance, stood an individual in prosaic reality among his white fellow-citizens of the

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<sup>1</sup> Newspapers; author's recollections.

<sup>2</sup> *Ib.* I was an eyewitness of all these Massachusetts celebrations.

whole nation. The moving utterances of John Adams and Patrick Henry, and those glowing maxims from the pen of Jefferson, in a bygone century, reached hearers or readers in their day among the people with redoubled force, because they who exhorted were Revolutionists themselves by example, urging brethren to dare and strive with them. And so, too, a generation just emerging from the toil and sacrifice of a long and bloody conflict, whose political relations among themselves as brethren reunited were far yet from a final solution, could not readily adjust itself to the reverent mood desirable toward distant ancestors of a like heroic experience. The pathos of actual suffering and sacrifice must always be deeper than the pathos of tribute. Yet these centennial celebrations of 1875 and 1876 accomplished something towards ennobling the American spirit among ourselves; and the age that reveres and worships may come hereafter with stirring memories of the glorious past, to inspire to high deeds for the future a living present.

After an autumn among whose chief events were the last gasp of expiring satrapy in Mississippi and the Moody and Sankey religious revival, the forty-fourth Congress gathered at Washington on the 6th day of December, to remain there in session for more than eight months. A novel situation was here presented; the House<sup>1875, Dec. 6-</sup><sub>1876, Aug. 15.</sub> was controlled by Democrats and insurgents, while the Senate still stood unflinchingly Republican. And under such auspices opened the year 1876, for its greatest centennial celebration of the Revolutionary epoch, with a remarkable and nearly fateful Presidential election in November.

The Senate, though still dominated by the Republicans in national supremacy, showed 25 of the old members retired by March, 1875, 17 of whom were Republicans, 3 Independents and 5 Democrats. There were 22 new Senators at the present assembling; and among them were Henry L. Dawes of Massachusetts (chosen at last for the new term which followed Sumner's death), Francis

Kernan of New York, and Francis M. Cockrell of Missouri—the last two being Democrats in party faith, and Cockrell the successor of Schurz, who moved to the east, never again serving in public life with a constituency behind him. Hannibal Hamlin, Lincoln's earliest associate as Vice-President, was re-elected from Maine, and Thomas F. Bayard, a rising Democrat, from Delaware. General Burnside now represented Rhode Island; Angus Cameron came from Wisconsin to supersede Matt H. Carpenter, and Judge Isaac Christianey took Chandler's place from Michigan.<sup>1</sup> The Republican majority in the Senate was about eleven in all.

Andrew Johnson, as we have seen, had died in the summer of 1875, one of the newly chosen Senators to this Congress. Wilson, the Vice-President of the present term, followed him to the grave in November. Eulogies for both were held at the capitol in January on separate days. Each of these well-known statesmen had in other days borne an illustrious part in Senate proceedings when the Union was in peril; each had proved honest and uncorrupt as a public man; both were men of humble origin, brought up to manual pursuits and rising to fame and influence through politics and the votes of constituents; each had been chosen Vice-President, as his highest honor derived directly from the people. As for Andrew Johnson, dying at the time he did under the condition of a newly reposed confidence in him by his own State of Tennessee, it was inevitable that the contrast of his recent Presidency with the present one should have impressed men's minds at the last. Independent presses since 1869, even in their worst disappointment over the developments of the past six years, had towards Grant's predecessor, as in duty bound, maintained until Johnson's death that quizzical and supercilious disdain which of all moods is the most exasperating

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<sup>1</sup> A fusion of bolting Republicans and Democrats caused these changes in Wisconsin and Michigan; but neither Cameron nor Christianey remained long in the Senate and both Carpenter and Chandler returned, a few years later.

to lovers of justice. But now admission was made by one of the ablest of such journalists that "his personal integrity was beyond question, and his respect for the laws and the constitution made his administration a remarkable contrast to that which succeeded it." And that editor now conceded that, except for his insistent vetoes, President Johnson's administration was in the main unexceptionable.<sup>1</sup>

The House assembled with a Democratic majority of 63. Michael C. Kerr of Indiana was chosen Speaker—a man of pure associations, upright character and an unblemished life, but frail in health; he died soon after this first session ended. Of chairmen of the standing House Committees, half were from Southern States, seven from the West and North-west, two each from New York and Pennsylvania, but none from New England.

With so great a political contrast in the complexion of the two branches of Congress no legislation of consequence was at present possible. Partisans of each House, whether on the majority or minority side, made sharp assault upon the adversary for political effect with the people in the approaching canvass for the Presidency. The "bloody shirt," Southern outrages, with suppression of the negro vote and the late "rascally" election of Democrats in Mississippi, furnished ammunition for attack on the Republican side: Morton leading his party in the Senate debate, while Blaine, the late Speaker, conducted the onset in the House. Both Morton and Blaine began this session as party candidates for the Presidential nomination, and played the game with equal zeal. But Blaine sparred fairly, though quick to take every advantage of his Democratic opponents, while Morton "fouled," to use the pugilistic expression. A bill for full political amnesty being under discussion, Blaine made the dramatic point to except Jefferson Davis, and goaded ex-Confederates sharply; and in a speech on the currency he again drove

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<sup>1</sup> N. Y. Nation, August 5, 1875.

the Democrats, making a brilliant tilt with lance. But Morton, who now vaunted the new financial policy of fellow-Republicans for speedy resumption, had been one of the most ardent inflationists in the Senate; while, as to reconstruction, he in 1865 heartily applauded President Johnson's policy before coming to Washington,<sup>1</sup> and in a letter, now produced by Democrats in debate, announced his personal disapproval of negro suffrage.<sup>2</sup>

As for party Democrats, who held the offensive in the House and the defensive in the Senate, the shrewd manœuvring for popular advantage corresponded. The House majority voted down all subsidies. The Representatives undertook investigations also as opportunity offered. Divided among themselves on issues of inflation and the currency, they felt the need of great caution and hence put such matters into caucus. A bill for full and final amnesty, which Randall of Pennsylvania introduced in the House after the holidays, was rejected, January 10, failing of a two-thirds vote. Futile effort was made in this branch to legislate for reducing taxes and changing the tariff; two attempts failed to change the resumption statute, a reduction of appropriations was proposed and a bill passed the House early for a total repeal of the bankruptcy act.<sup>3</sup>

On the "third term" issue our people, irrespective of party, were still sensitive and bewildered when Congress came together. The Democratic House took full advantage of that situation. Republican party conventions in Pennsylvania and some other States had been forced in 1875 to take an anti-third term stand in order to conciliate the voters. For many among our citizens had expressed

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<sup>1</sup> *Supra*, p. 41.

<sup>2</sup> See Cong. Globe, Dec. 1875–Feb. 1876. Upon the Mississippi controversy the colored Revels, now an ex-Senator, wrote to the President that it was an honest uprising of the voters independent of party, to put dishonest and inefficient men out of power.

<sup>3</sup> Newspapers: Harper's, March, 1876. A bill to repeal that clause of the resumption act which fixed a date for resumption passed the House, shortly before the adjournment of this session, by 106 to 86.

a belief that this President did not mean to leave the White House unless forced to go. Grant hitherto silent had announced May 29 of that year, after a long delay, that he was not and had not been a candidate for re-election, but at the same time he thought the <sup>1875.</sup> people ought to have the right to elect for a third term if they pleased. He had accepted a first term unwillingly, he added, and would not be a candidate again except under circumstances of "imperative duty" not likely to arise.<sup>1</sup> This statement had justified party managers in leaving him out, but its language was equivocal, its tone reluctantly expressed, and it seemed still to leave possibilities open. Hence, to relieve all perplexity, the House, by 232 to 18—men of both parties joining in the affirmative—declared by resolution on the 15th of December against a third term. Demonstrations were later made in this same session for proposing an amendment of the constitution which should debar all Presidential re-elections whatever. A bill passed both Houses limiting \$25,000, as formerly, for the salary of future Presidents, but Grant killed the measure by a veto.<sup>2</sup>

By this time the unanimity of the people, irrespective of parties, for Grant's retirement from the Presidency at the end of his present term was as hearty as it had been, eight years earlier, to place him there. And, meanwhile, to give point to such acquiescence, the Whiskey Ring drama had scarcely been played out, with the Babcock prosecution and its failure, when a new scandal from within the inner circle of this damaged administration stalked upon the stage. A House committee, while investigating expenditures in the War Department, found at the very threshold, when March opened, that its Sec- <sup>1876.</sup> <sub>March.</sub> retary and head, availng himself of a recent statute which transferred post traderships to his control from the General of the Army, had given out one of the most

<sup>1</sup> N. Y. Nation, June 3, 1875, and other newspapers; VII. Rhodes, 207.

<sup>2</sup> Cong. Globe: Harper's, June, 1876.

lucrative of those places on a corrupt understanding for sharing the profits. The first Mrs. Belknap's influence had secured the place and she with her husband, the Secretary, had received from the trader who received the appointment payments amounting in all to about \$20,000 by quarterly remittances. The testimony to sustain this accusation was clear and uncontradicted, and the committee made solemn report, on the afternoon of March 2, that Secretary Belknap was shown guilty of malfeasance in office and recommended his impeachment. The House by a unanimous vote adopted a resolution to that effect.<sup>1</sup>

Belknap, well aware of what awaited him at the capitol, anticipated the committee's action in the forenoon of that same March 2, by tendering his resignation to the President and asking its immediate acceptance. Grant, who as was well known by this time stood loyally by his intimate friends even at risk of compromising his own official reputation or baffling the ends of justice where the public interests committed to him were concerned, accepted promptly the resignation of his Secretary "with great regret," as his letter expressed it. Belknap's guilt was doubted by no one in Washington; but, ceasing to be an officer of the United States several hours before the House committee of investigation reported or the House itself took action, the technical plea to impeachment was now available that Congress had no jurisdiction of the case, since Belknap was no longer "a civil officer of the United States." That plea the Senate would not entertain when it first met as a court to try the late Secretary for malfeasance in office; but many of its members were doubtless influenced by that plea to vote "not guilty," and Belknap's trial, after dragging along until August 1st, ended in his acquittal, since only a majority, and not two-thirds, recorded an "aye" on the impeachment articles.<sup>2</sup>

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<sup>1</sup> VII. Rhodes, 189-191. It was reported in Washington at the time, that, before the committee, this Secretary confessed, with tears and manifest distress, that the charge against him was true. Author's recollections.

<sup>2</sup> VII. Rhodes, 189-191.

Belknap's disgrace and fall pointed a moral for official service as offices were then conducted and bestowed. He came to Washington from obscure rural surroundings in the North-west to hold a high position in the cabinet—a man of good military record and good intentions, one who had just been serving upon a small salary as a revenue collector of the government. He entered the gay society of the capital amiable and companionable, bringing with him two sisters one of whom was his wife, both brilliant and beautiful women, and both ambitious to shine and entertain. The wife whose barter of a tradership for reward, in order to support an extravagant style of living for which the salary of Secretary appeared insufficient, died presently, and Belknap made the sister his second wife; being still under the temptation to spend \$30,000 a year for keeping up a lead in administration circles upon a salary of \$8000. So the money needed for social outlay in Washington was taken from army sutlers, and those army sutlers must have leeched well the soldiers and civil dwellers on the plains, to turn over such huge sums to the Secretary's household by way of perquisite, while retaining enough for themselves to eke out a substantial profit. As for using government patronage by way of personal reward or for party ends, the comment seems just, that from levying assessments for political purposes on the meagre pay of office-holders to the selling of offices outright is but a short step which ordinary human nature makes easily. The War Department had not been suspected of guilt by the House committee when it began investigating, and the evidence of Belknap's guilt came to light by the merest accident.<sup>1</sup>

Upon Belknap's resignation as Secretary of War, Alphonso Taft of Ohio, a lawyer and judge of good reputation, succeeded him, as head of that Department for <sup>March-</sup>  
<sup>July.</sup> about two months, after which he was transferred to the post of Attorney General, vacated by Edward Pierrepont. Pierrepont, respectable but not brilliant, and

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<sup>1</sup> See N. Y. Nation, March 9, 1876.

uneasy in the cabinet circle, as matters stood, was glad to exchange for the mission to Great Britain, which Dana's rejection by the Senate left open,<sup>1</sup> Schenck having resigned at London and sailed for home in early March. With Pierrepont's appointment and confirmation as minister, and the transfer of Taft to his post in the cabinet, the vacant War Department now went to J. Donald (or "Don") Cameron, the son and prospective heir in the Senate of the venerable Simon. Other cabinet changes occurred in July. Bristow, whose relations with the President had become quite obviously strained, resigned from the Treasury, and Senator Lot M. Morrill of Maine succeeded him. Marshall Jewell, too, retired as Postmaster General, well convinced that to run his Department upon economic and business principles was practically impossible; he was replaced by James N. Tyner, a party spoilsman of the school in politics which better suited the present administration. As thus reconstructed, Grant's cabinet continued unchanged while he remained in office. On the whole, the stalwart Republican element henceforth predominated, and since Fish, the premier, took but little part in political management, confining himself to the diplomatic routine in preference, Chandler became the ruling spirit in this inner circle up to the 4th of March, 1877, when all retired together.

The National Republican convention of 1876 was held, June 14, at Cincinnati, while Congress was still in session. Grant, by this time, was wholly eliminated as candidate for another term and the contest lay between his political

<sup>June 14</sup> legatees, among whom Conkling and Morton held a considerable prominence, each with the support of his own State behind him. Blaine, however, had the strongest following in the convention and would have been nominated, except for a charge of personal corruption which had been lately fastened upon him in the House, right in the midst of his most brilliant oratorical assaults

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<sup>1</sup> *Supra*, p. 267.

upon its Democratic majority.<sup>1</sup> This rendered "the plumed knight" (as his friend Ingersoll, in an eloquent speech, styled him) of doubtful availability, and while Blaine led on the first ballot and increased his vote greatly as other candidates withdrew, the seventh and final ballot carried Rutherford B. Hayes of Ohio, its present governor, beyond him with a bare majority of the convention; and that nomination was made unanimous. Of favorite sons from different States, seven had competed for this candidacy; Bristow was supported by reformers of the party until they perceived he had no chance; after which Hayes, as a man of unimpeachable character, with a good civil and military record, drew the convention votes of those who wished to canvass before the people on a plane of high promise. William A. Wheeler of New York, whose estimable qualities were conceded on all hands, won by acclamation the nomination for Vice-President.<sup>2</sup>

In respect of a personal magnetism which drew thousands for an enthusiastic following, ready to serve him through good or ill report, and in the brilliancy of his onset upon the political foe with shield and glittering lance, Blaine has often been likened to Henry Clay. In many respects, to be sure, they were as wide apart as the poles—in personal character and surroundings; but a striking coincidence is observable in some points of their public experience at differing epochs. Each made his assault of party rhetoric too eagerly for his own safe advancement to the highest prize for which he strove, vulnerable through the powerful enmities he provoked in consequence; each found his favorite arena on the floor of Congress, making a first conspicuous fame as Speaker of the House; each, in one national convention of his party which was

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<sup>1</sup> For the circumstances attending this charge, together with the dramatic incidents of the Mulligan letters which Blaine seized and read himself in the House, and also his Sunday swoon upon the steps of a church, see at length VII. Rhodes, 194-206.

<sup>2</sup> VII. Rhodes, 206-212.

open to all competitors who might enter, was strongest numerically but failed of selection as the Presidential nominee because thought vulnerable, so that an Ohio candidate—a man of moderate ability, who had made no malicious enemies and against whom not a word of reproach could be uttered, bore off the prize from him by harmonious consent; and each, when actually accepted by a party convention a few years later, and put before the people, carried both his party and himself to a mortifying defeat at the polls, largely through his own fault and because, in a close contest, the electoral vote of New York State went to an opposing candidate of the Democrats. The charge just made in the House against Blaine, imputing dishonor over some railroad dealings while he was Speaker, was never fully investigated; for about this time the Maine legislature elected him to the Senate to take Morrill's place and he never sat again in the Representatives' Chamber.<sup>1</sup>

The Democratic convention met in St. Louis June 28th. Its platform, as adopted, was one of uncommonly vigorous expression; <sup>2</sup> arraigning in scathing terms the Grant administration and the men who had disgraced <sup>June 28.</sup> it; declaring that the present situation of affairs demanded an entire change of measures and men; calling upon the people to intrust now the opposition party with the conduct of the nation, upon a pledge of reform in finance, tariff and the civil service, together with economy in the public expenditures and home rule for all the Southern States. The three last constitutional amendments Democrats now fully accepted as a final settlement of the controversies that had engendered civil war. This platform, besides, pronounced emphatically for resumption

<sup>1</sup> A caustic but amusing satire upon Conkling, in a speech which Blaine had made in the House, April 30, provoked an antagonism by which Blaine probably suffered in the convention of this year. See VII. Rhodes, 211.

<sup>2</sup> Manton Marble was its reputed author, a New York editor of much literary talent. VII. Rhodes, 212.

of specie payments and currency reform; a great struggle upon that issue having been fought out in the convention, and the soft money men beaten. The Democratic platform announced by name such leading Republicans as had been identified with extravagance and corruption, and on the whole was more downright and sincere in promising reform for the future than that of the Republicans at Cincinnati.

Under the time-honored Democratic rule which required two-thirds of the delegates for a choice—here 492—Governor Tilden of New York, whose firm grasp upon the convention had directed its procedure from the start, won the nomination for President, receiving 535 votes on the second ballot. With the addition of Thomas A. Hendricks of Indiana for Vice-President the ticket was completed, and it was certainly a strong one, comprising the two leading Democrats of the two most essential Northern States. Hendricks appears to have been unsound in financial views, like many other statesmen of the West, whether of one party or the other; but as hard money had dictated the platform and the Presidential candidate, little harm was likely to arise from that circumstance. The action taken this summer by the House at Washington against immediate resumption,<sup>1</sup> showed that Tilden meant to lead his party in a new and safe direction; and this was cause for trusting him. And again, a New York city “boss,” named Kelley, of Tammany influence, led the anti-Tildenites in this convention, and the repudiation of that lead by more than two-thirds of the delegates gave another bracing assurance of reform in the interest of the people. Upon the whole, Tilden was now set before the country as the true opposition candidate for all voters who sought good government not within but without the Republican party to unite upon.

Tilden had as strong credentials for popular confidence a record of executive energy, courage and accomplishment in the Empire State rarely equalled in our annals during

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<sup>1</sup> *Supra*, p. 286.

the course of two short years or less. Long active in State politics without holding political office at all, the immense aid he had rendered in the exposure and overthrow of the Tweed ring in New York city raised him by spontaneous consent to the governor's chair, where he showed at once the full mettle of a statesman.<sup>1</sup> He surrounded himself with the best fellow-Democrats of New York State in wisdom and integrity, men younger than himself, to aid in the cause of public betterment. His ideas on the great issues of the day were sound and he showed fearlessness in giving them effect. Passing from municipal reform, in which he dealt a staggering side-blow to the new Tammany aspirants of his city in local politics, he passed quickly to the correction of State abuses, and in August, 1875, made a speech-making tour in New York, addressing crowds in various cities on behalf of State-wide reforms. With the popular strength he thus gained at Albany as Executive, he made vigorous assault upon a corrupt canal ring of the State, which had been embezzling the public moneys, while making extravagant charge for repairs and drawing money for work that was never performed. This combination Tilden broke up. Besides this he showed himself at once a master of finance and economics in government and gave to his fellow-citizens the fullest benefit of that knowledge. The New York Legislature of 1876, improving much upon that of the previous year, heartily sustained his reforms.

Upon the figuring, Tilden's convention strength at St. Louis lay chiefly in New England and the Middle States; but with Hendricks to draw over the less tractable party elements of the North-west, the Democrats with a sound platform had now good reason to hope for a national victory. For Southern men, to whom Tilden was largely a stranger, were more than content to take such candidates as the Northern Democrats might agree to put

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<sup>1</sup> The election of Hayes in 1875 as Governor of Ohio had weakened soft-money Democracy at the West.

forward as the leaders most likely to win on the campaign with their loyal assistance.<sup>1</sup>

Congress adjourned, August 15th, long after these two party conventions had been held, and yet in ample season for members to participate in the canvass, which shrewd forecasters in politics already announced would be a vigorous one, bringing close results. Not without hesitation, both parties in the House had united in the passage of a resolution which denounced all Southern outrages upon the negro; while in the Senate, on the other hand, a committee report upon suffrage conditions existing in Mississippi was so one-sided in expression that most of the Republican press as well as the Democratic united in condemning it. Both Houses, however, diverse as was the party sentiment of a majority, came to an agreement on all the appropriation bills.<sup>2</sup>

Upon one measure—that of appropriating \$1,500,000 towards the great Centennial Exposition planned for Philadelphia—Congress had harmonized, quite early in the session. This sum, when first asked by the promoters, had met with objection; for constitutional scruples stood in the way of such novel assistance, besides the fear that so expansive an enterprise might fail. But after a visit of members to Philadelphia, in December, 1875, all objections to such an appropriation were overcome; Congress found the Exposition well organized and under way, while the press throughout the Union favored a national liberality. When discussion was resumed after the holidays, this bill passed both Houses, and on the 16th of February the President signed it with a quill from the wing of an American eagle, shot in Oregon.<sup>3</sup>

That Centennial Exposition of 1876, held at Philadelphia, deserves a lasting remembrance in our annals.

<sup>1</sup> Newspapers; VII. Rhodes, 212-214.

<sup>2</sup> N. Y. Nation, etc., Aug. 17, 1876.

<sup>3</sup> Harper's, April, 1876; Act February 16, 1876, c. 10.

It was opened on the 10th of May and closed on the 10th of November. The total admissions during those six months figured 9,900,000; a number far exceeding the original expectation and confirming the enterprise as successful from a pecuniary point of view, as it surely was in the strong patriotic feeling which it inspired among resident beholders of this continent.

Before a concourse of 100,000 people the Exhibition was formally opened on the appointed day, with an address from President Grant, whom Emperor Dom Pedro of Brazil aided in setting the machinery in motion by starting an immense Corliss engine on the premises, whose pulsations thenceforth while those six months lasted marked the life throb of this marvellous creation. Wagner had composed a march for the occasion; and Whittier's Centennial hymn, a noble production, was sung by a choir of one thousand voices. The restored South greeted the Union and the old flag, in the patriotic stanzas of Sidney Lanier, the Georgia poet. Other simple but impressive ceremonies, for promoting fraternal feeling among American citizens, were held on July 4th in the public square at the rear of Independence Hall; and here another immense choir like the former one raised the loud pæan in presence of thousands of distinguished guests who were seated on temporary platforms, while the square and neighboring streets were packed with listening spectators. A grandson of Richard Henry Lee, the original mover of the Declaration of Independence in that ancient building close by, read its inspiring words aloud from the original yellow and wrinkled document borrowed for the occasion from government. Bayard Taylor recited an ode, William M. Evarts delivered the oration; and there were other distinguished speakers in course of the day's exercises.<sup>1</sup>

Through a long season of bright and clement weather the dense throngs of Centennial visitors came and went.

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<sup>1</sup> Harper's June-December, 1876; 1 Andrews's Quarter Century, c. 8; author's recollections.

The Exposition was held in Fairmount Park, beyond the Schuylkill, upon a level plot of land comprising two hundred acres or more, where appropriate buildings had been erected in pleasing variety, several foreign governments and twenty-six States putting up structures of their own. Five enormous erections rose in towering grandeur, known as the Main Buildings, with Machinery, Agricultural, Horticultural and Memorial Halls. The last named, beautifully designed and built of granite at a cost of \$1,500,000 to the State and city, was left standing after the Exposition was over, as a permanent dedication to art and a historic landmark of this centenary for coming generations.

Not Americans only, but European tourists besides, were among the sight-seers of these six months in the sedate city of hospitalities. But the pilgrim throngs came chiefly from among those in the four quarters of this re-united national confederacy, who felt that as fellow-countrymen they stood together on hallowed ground. Other centennial expositions on an international scale, to commemorate great American events, have followed this earliest one at Philadelphia and will follow hereafter: but none have yet appealed or are likely to appeal so directly to the American heart by combining associations of the past with those of a historical present as this earliest of them all. Chicago, with its "white city" of a fairy land, and St. Louis, too, enhanced later the pictorial beauty of sumptuous architecture and arrangement by effects in electrical lighting and conveyance which in 1876 were as yet unknown; and so, too, in the constant march of human invention, commemorative exhibitions held later still may boast other and newer accessories of wonder and delight, which from our own generation are hidden. But in this metropolis of Pennsylvania the immortal past was itself visible and reproduced, as in an old world, and a host of venerating descendants from Revolutionary heroes were reminded everywhere of Philadelphia's dignity and simplicity, as the chief city of all those thirteen United Colo-

nies whose independence was boldly proclaimed in 1776 and echoed as the notes rang out from the old liberty bell. Philadelphia had grown immensely in wealth and population in the course of a hundred years, and yet its Quaker-like ways had not greatly changed. Its old buildings of historic fame, still reverently preserved, harmonized well with those which had grown up since, and the past came mellowing down into the present.<sup>1</sup>

What notable exhibits of scientific and educational progress, of musical and mechanical advancement, of manufactured goods and minerals, native or from other lands, might be witnessed in these contrasting structures of Fairmount Park, whither the steam cars bore passengers daily with trains constantly going and coming. Foreign governments of Asia, whose origin went back into remote ages, vied with the new Latin republics of South America in the display of looms and fabrics, precious stones and articles of costume, needful or ornamental. Europe was fairly represented also. But the native American visitor took chief pride in the handiwork of his own people, quaint or imposing—from the butter-nymph, a dairy product in refrigerated glass case, to the bewildering machines that pounded out deft work amid the roar and commotion of Machinery Hall. Native pianos, organs and the other implements of artists figured well; but art itself, that beautiful building appropriated to the exhibition of its products left little to recall in the retrospect, beyond some genre study here and there, or the portrait of Juarez, our Mexican contemporary of war times, or some immense horror on canvas such as Rizpah guarding the dead bodies of her sons from carrion birds of prey. The people gathering here and the popular sights on the fair grounds were a constant distraction to the visitor who came to be instructed.<sup>2</sup>

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<sup>1</sup> Harper's June—December, 1876; 1 Andrews's Quarter Century, c. 8; author's recollections.

<sup>2</sup> Author's personal recollections of this Exposition, upon an October visit in 1876.

Yet, after all, admirable as were the arrangements in Philadelphia's vicinity for this grand international show, a greater inspiration to patriotic pride and devotion might be found, this sacred year, in rambles about the city itself. All worlds' fairs are much alike in the cardinal impression they leave; and wherever æsthetic influences are found subordinate, the prolonged and bewildering study of material things brought together in profusion becomes a weariness to the flesh, and diversion is demanded, as the days move on. Such an exposition even though nobly commemorative is material and prosaic in character and reaches most earnestly for prosaic results. Before us in panorama is a vast aggregation of machines in whirling motion, of goods, wares and merchandise, all to be explored and examined, whose exhibitors have combined in a mammoth advertisement with mammon ends in view. Philadelphia, however, to the centennial visitor was a civic source of patriotic ennoblement and delight; the same characteristic centre of tranquil prosperity, comfort, and sobriety, now as yesterday, whose inhabitants, through all accumulations of wealth and population, had reverently preserved the landmarks of Revolutionary distinction. For this city of brotherly love was the gathering place for a united independence fraternally proclaimed, fought for and through toil and sacrifice achieved.

Here, aside from William Penn, and the early associations of a Quaker sect, old brick churches of the eighteenth century were to be seen, both political and religious in their memories; venerable Christ Church for instance, well preserved, where the pew was shown which Washington occupied while President and the modest graveyard outside, wherein, close to a busy thoroughfare, were set the slabs of Franklin and his loving consort. He, though neither Quaker nor Philadelphia born, became the best embodiment of the large-hearted benevolence, sensible philosophy and tranquil devotion to the service of fellow-men, combined with much shrewdness in private business, that gave this city its characteristic

renown. And again in plain red brick, solid and ample, without architectural pretension of any kind, appeared Philadelphia's hospital, and the Historical Association building where precious documents were preserved. Carpenter's Hall still owned by the company that erected it and under whose roof the first Continental Congress assembled in 1774 was visible. But, most impressive of all the old buildings, stood Independence Hall in the centre of a line of antique edifices known as State House row, doubly renowned to posterity as the birthplace of American independence in 1776 and of our perfected constitutional Union in 1787. Within its walls relics of the Revolution were restored and the old furniture stood in place, as formerly, in an immortal chamber; that chair, with its emblem of a half-sun on the back, which had evoked Franklin's happy remark when Washington sat there in 1787, holding once more the conspicuous place of honor.<sup>1</sup>

Philadelphia's peculiar traits were observable in 1876, broadened through time and circumstance, but essentially unchanged. Great metropolis though it had grown to be, a visiting stranger could readily comprehend the general plan by which the city was laid out and was not easily lost. Streets numbered consecutively in one direction and with fanciful names in the other, largely suggestive of forest trees, went by close parallels, straight and somewhat narrow; yet congestion was relieved by running the horse cars—and, if need be, other carriages—in a single alternate direction. Here was a city of homes for all; with no large and unsightly tenement houses for picturesque poverty to crowd into, but cheap mechanics' houses, stretching in one quarter of the metropolis, and the more sumptuous yet far from pretentious abodes of the wealthy and aristocratic in another. And the same variation was seen to distinguish fashionable stores on one street or square, from humble shops of a primitive kind on another. Little individuality appeared in the architecture

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<sup>1</sup> See Vol. I. 53; author's recollections.

of this vast community; the same dull uniformity in plan and pattern was everywhere denoted. Clay dwellings for mortals of clay. Red brick in long and uniform lines stretched from north to south and from east to west, relieved by white porticoes more or less spacious, white stone steps in front to be scrubbed clean in early morning, and white shutters in place of blinds, which were closed at evening except in the hot summer weather, and behind whose shelter family parties and friends might cheerfully disport themselves when the gas was lit, while from outside it seemed as though the whole long block was untenanted. This love of domestic security and independence, Philadelphia's well organized centennial committees seemed to have undertaken to stimulate when arranging this year for the overflow of guests; for they did not leave strangers from abroad to take their chances among hotel keepers, though of hotels commodious, convenient and by no means extortionate in charges, there was a fair supply; but lists were compiled of houses, where visitors might lodge in parties or families or alone, and take in the sights, while here, with such economy, privacy and leisure as each might wish. The home life for themselves Philadelphians promoted in 1876 for others. And thus might one, in the intervals of sight-seeing, whether at Fairmount Park or down town, sit at the window of his quiet hired chamber, with pen in hand, and an occasional glance at the sunny sidewalk below him, to commit high thoughts to paper, just as Jefferson sat, in his lodgings, a hundred years earlier, when composing alone his immortal document at a small rosewood writing-desk which descendants now preserved for exhibition.<sup>1</sup>

Those centenary commemorations, whose culminating occasion was reached at Philadelphia during six sunny months of 1776, must have done something to stir the hearts of our people to love and gratitude for the restored blessings of peace and reunion vouchsafed to them. And

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<sup>1</sup> Author's recollections; 1 Andrews's Quarter Century, c. 8.

yet the political campaign which went on during the autumn of 1876 greatly inflamed party animosities in a struggle for political predominance, which meant much, <sup>September-</sup> and where the adversaries were so nearly equal <sup>November.</sup> in voting strength. The promise of national harmony and reconciliation with which the Philadelphia exposition opened was not fully realized at its close.

In 1872, it has been well said, the voter for President had a choice of evils; but in 1876 either vote was a good one.<sup>1</sup> Hayes and Tilden both wrote good letters of acceptance but that of Hayes was the better of the two. Each candidate here gave assurance that he favored reform in awarding the government patronage, and believed firmly that honesty, capacity and fidelity were the real qualifications for public office, rather than party or personal service.<sup>2</sup> But while Hayes was direct and incisive in expression on this and finance though vague on the Southern problem, Tilden's letter was long, labored and evasive, though shrewdly expressed, suggesting the timorousness and caution felt by a nominee who has many and conflicting elements to appease among his own partisans, both on the money question and in a new deal of salaried places, should he prove successful. "The public interest," he wrote, "in an honest skilful performance of official trust must not be sacrificed to the usufruct of the incumbents."<sup>3</sup>

As between these two opposing candidates, Hayes was less known to fame than Tilden; but all that was known or told of him was favorable. He had been a brave officer during the late conflict, wounded once, and finishing his service with a high brevet rank, though not distinguished. He had served a single term modestly in the national House. As governor of Ohio, re-elected in 1875, he had stood unflinchingly for specie payments and resumption,

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<sup>1</sup> VII. Rhodes, 214.

<sup>2</sup> Hayes set forth a good apothegm in this respect which gained wide currency; "He serves his party best who serves the country best."

<sup>3</sup> VII. Rhodes, 215, 216.

while inflation theories were greatly rife among his fellow-citizens; yet there, once more, his record was that of a conscientious and faithful administrator, with no special achievement to speak of. His present strength for the Republican candidacy consisted most of all in the fact that no charge whatever could be made against him; and he added much to it for a closely contested campaign by volunteering the assurance, in his letter of acceptance, as though to measure modestly his own claims for the exalted office, or possibly to soothe where Grant had offended, that, if elected, he would serve but a single term. What that assurance on his part came really to signify, as events turned out, he could little have realized when he penned this letter of acceptance; but the pledge itself proved of assistance in placing him in the Presidency under quite exceptional circumstances, and to that pledge, when President, we may add, he honestly adhered.

Tilden, now sixty-two years of age, and far surpassing Hayes in worldly wisdom and a varied experience, as he did in years, may be said to have reached, this year, the fullest maturity of his powers. It is quite doubtful, whether, among the perplexities of a new Democratic Presidency, had he attained it, he would have sustained himself in supreme national office with the same vigorous grasp of affairs, selection of subordinates and attack upon existing abuses, that set him forth now with such prominence as one of the very greatest governors New York had ever chosen. At all events, his policy towards securing this new and highest prize of his calling was not to make a zealous canvass as a public speaker but rather to conduct a still hunt for votes and avoid controversy. As an able corporation lawyer he had amassed a large fortune, and, being unmarried, he had pursued politics from his youth as a pleasurable diversion to a life of business, not always choice in his methods or associates. Many who had known him well thought him crafty and cunning, in spite of the splendid record for reform he had lately made. In finance he was a master; his perfect ability to bear official responsibilities, so long as mental

and physical health continued unimpaired, were beyond question, and he possessed skill undeniable in the arts of political management. All this, however, did not concede to him a zeal to serve the country as unselfishly in devotion as they now cherished as the Revolutionary sages had done, giants in posterity's present imagination. And, knowing well that immense pressure of a dangerous sort would be brought to bear upon him, were he and the Democratic party brought into immediate power, many who now concluded to give Tilden their independent support felt him to be a doubtful deliverer from misrule, if a deliverer at all.<sup>1</sup> For the revival of a Democratic South gave cause for anxiety and hesitation to Northern citizens who had always been loyal to the Union.

It was well for the peace of the whole country that both candidates and both party platforms so clearly advocated sound money and a speedy resumption. This gave encouragement to business men all over the country, who were already reaching forward to that consummation. It tended to produce an equilibrium of voting strength and encouraged commercial confidence, however the election might turn. A "greenback" convention, held at Indianapolis, the preceding May, spread sail to catch all favoring breezes that might blow, from the inflation quarter; and a zephyr, too light to give notable impulsion, was all that came of it. Peter Cooper of New York was nominated for President, less, perhaps, as a logical candidate of that convention than for supplying the money chest to finance a party campaign.<sup>2</sup>

Hayes was on the whole, a colorless candidate, and, aside from his commitment to a single term's service if elected, his chief strength lay, as we have stated, in being wholly unassailable upon his past record. It was otherwise with Tilden, upon whom the light of publicity had beat fiercely for many years, in the course of which he had made bitter enemies as well as earnest friends. Since Democrats in convention had made bitter assault upon

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<sup>1</sup> See N. Y. Nation, Nov. 2, 1876.

<sup>2</sup> Harper's, July, 1876.

Republicans in power, giving names, they and their partisans would surely retort upon the chief candidate of the Democrats for whom power was sought. Tilden was rich; and hence, the sources and extent of his wealth were savagely exploited by political opponents. He had made money as counsel in railroad reorganizations; he was stigmatized therefore as a "railroad wrecker," but that charge proved false and unsustained by proof. More damaging because better founded was the imputation, made upon full scrutiny of the income tax records, that he had cheated government out of its full dues. For while returning only about \$7000 as his income for 1862 and the succeeding year, he had afterwards made no annual return, but left the amount to be estimated by the Federal assessor. Tilden was slow in defending himself against this latter charge, but, at length, a letter of explanation appeared, which justified the returns as he had made or omitted them. It is neither fraudulent nor unusual among men of property to avoid making returns, leaving assessors to doom them at discretion. This, of course, does not affirm that one thus pays every dollar of tax due from him which close investigation might reveal, or a highly conscientious interpretation of the statute might lead a scrupulous man to pay over. Inquisition is odious. None are apt to insist so earnestly that others shall make a punctilious compliance with an income tax law as those whose annual revenue keeps them safely inside the exemption limit.<sup>1</sup>

But the real campaign issue for impassioned rhetoric on the Republican side was abuse of the Democratic South for its treatment of the negro. Whether former slave States had fought for the Union or the Confederacy mattered little, since they were now so solidly arrayed in politics on the Democratic side; and to revive war animosities in the Northern mind was the principal object with such party orators. Tilden's war record was vulnerable;

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<sup>1</sup> Newspapers; VII. Rhodes, 220, 221.

he had attended to his private affairs during those years, as though timid and selfish, neither going to the front himself, nor volunteering a hearty sacrifice of means to aid the cause of righteousness and liberation. To "wave the bloody shirt," therefore; to forebode that a new disunion confronted the country with conditions reversed, should the White House be captured and the patronage of the Nation controlled by the traitors and renegades of twelve years or more ago,—this was a favorite strain of argument pursued by zealous Republicans. It met the dilemma in which hireling orators found themselves on the financial issue, when they stumped such important States as Ohio and Indiana where the "rag baby" of inflation was still nursed.<sup>1</sup> "Bulldozing" and the "shot-gun" were brought into pictorial requisition in this canvass to depict the horrid methods which Southern white natives were supposed to employ for keeping negro voters away altogether from the polls or for making them submissive to the "ex-rebels" whenever exercising the right of casting a ballot.<sup>2</sup>

In the midst of centennial awards of prizes by international judges, at Philadelphia, South Carolina, by October, emerged into conspicuous notice. Governor Chamberlain, after his return from the Lexington anniversary in 1875,<sup>3</sup> had not found the reform task within his party an easy one. Eight judges were to be elected when the State legislature next met towards the close of the year; its

<sup>1875-</sup> division standing 104 Republicans to 53 <sup>1876.</sup> Democrats and 77 out of the total 157 being colored men.

In his annual message the governor urged that men of legal learning, judicial spirit and high personal character be chosen, and he added emphatically, "Let the one quality of personal integrity never be lost sight of."

<sup>1</sup> See VII. Rhodes, 220-222, referring to Thomas Nast's cartoons.

<sup>2</sup> To "bulldoze" was literally to intimidate by using a bull-hide or cow-hide whip. The charge of "bulldozing" was constantly made during this campaign.

<sup>3</sup> *Supra*, p. 257.

This admonition seemed to be heeded so long as the moral Executive confronted the people's representatives in person, but the moment his back was turned and he absented himself for a day from Columbia, the State capitol, these slippery solons chose the notorious Whipper as judge for one vacant circuit and the still more notorious Moses as judge for another. Chamberlain, upon his return, protested loudly, and, signing the commissions of the other six judges elected, he withheld the commissions of Whipper and Moses, assigning technical grounds for doing so. Members of the bar and other reputable citizens of Charleston and elsewhere applauded him with enthusiasm for this action.<sup>1</sup>

Of Chamberlain's able and persistent efforts, in all sincerity, to give good government to his adopted State there is not the slightest doubt. "The civilization of the Puritan and the Cavalier, of the Roundhead and the Huguenot," as he himself expressed it at this time, "is in peril."<sup>2</sup> Yet it was highly natural that the Cavaliers and Huguenots of haughty South Carolina should, under all the circumstances, resolve, in 1876, to take redemption into their own hands rather than owe it longer to a Puritan and Roundhead with so scaly a set of partisans to discipline. Instead, therefore, of taking Chamberlain the Republican for their own Democratic nominee, as perhaps they might have done, in the hope of separating him from his detested followers, they put up a clear and clean candidate of their own blood and affinity, Wade Hampton, a scion of one of the oldest and most influential of the Palmetto families, and a man who was sure to unite strongly the mass of intelligent and conservative voters. They joined the Northern Tilden alliance. This threw Chamberlain back upon the piebald and beggarly elements with whom he had been politically associated all these years, and as a candidate for re-election he figured simply as a straight Republican, directed by Chairman Chandler

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<sup>1</sup> VII. Rhodes, 166, 167. This was in December, 1875.

<sup>2</sup> *Ib.*, 167.

at Washington and linked with the national fortunes of Hayes and Wheeler. Vexed and disappointed that his earnest efforts at State reform had failed of the resident appreciation and support he had hoped for, he now henceforth made open warfare upon his Democratic opponents.<sup>1</sup> Alleging that the South Carolina gentry had formed "rifle clubs" for lawless violence and suppression of the negro he issued his mandate of prohibition, and, without attempting either to enforce the local law as Executive or to convene the legislature for appropriate action, he made request of the President to send troops into the State and give military protection. Grant, without calmly considering whether a case of "domestic violence," as defined by our constitution, had been made out, issued a proclamation, October 26, in peremptory terms, and sent Federal soldiers into South Carolina to put down such combinations. Chamberlain, in later years, asserted that the white tax payers of this State had, in desperation, adopted what was called "the Mississippi plan" of coercive operations against the negro, for the present campaign, as a life and death combat. Most likely, however, what they brought chiefly to bear was the milder "preference policy"—so as to make the colored farm hand or workman feel that he would lose his bread and butter unless he abandoned Republicanism at the polls.<sup>2</sup> At all events, as Chamberlain himself has frankly admitted upon a calm review of the whole situation of 1876 at the lapse of a quarter of a century, "there was no permanent possibility of securing good government in South Carolina through Republican influences." And he adds that the elements put in combination at the South by the reconstruction scheme of Stevens and Sumner were irretrievably bad and

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<sup>1</sup> A Hamburg massacre in South Carolina, which Chamberlain had denounced in language thought too impetuous and unfair, is said to have prevented his endorsement by Democrats of the State. VII. Rhodes, 224.

<sup>2</sup> Cf. N. Y. Nation and other contemporaneous journals, with VII. Rhodes, 224, 225, which adopts the views expressed in Chamberlain's narrative of 1901.

could never have permanently resulted in government fit to be endured.<sup>1</sup>

The Northern State elections of October in Ohio and Indiana—Pennsylvania being now omitted from the category of that month—, showed a close division of sentiment as between Republicans and Democrats; Ohio giving for the former party a plurality of a few thousand only, while Indiana, by a turn of the scales nearly corresponding, preponderated for the latter.<sup>2</sup> The whole outcome of the Presidential contest was now recognized as dependent upon the vote of New York State, when the crucial national test should be applied in November. Here a Democratic State convention, faithful to party traditions, had put up Seymour for governor, resolved to lean upon him to the last; but Seymour, now in the decline of health and years, had conceived himself dead and buried for politics ever since 1868, and refused to be resurrected; and the convention, meeting a second time, nominated in his stead another sound and seasoned Democrat of about the same age, Lucius Robinson. Robinson had been comptroller of the State at different times, and now held that office again under Governor Tilden. He was a safe Democrat, of financial experience and tried official integrity, and his selection was a judicious one for giving strength to the national ticket.

Despite the fierce personalities of this long Presidential campaign, in which Republican partisans and those long dominant in national affairs took the aggressive rather than their opponents, fanning the embers of sectional strife with all the violent zeal they could muster, while Democrats remained mostly on the defensive, our plain common people became reconciled to the prospect of a political overturn, such as presaged no real disaster to the

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<sup>1</sup> VII. Rhodes, 287 *n.*, citing that narrative.

<sup>2</sup> Ohio went Republican by 6636, and Indiana Democratic by 5084. "Blue Jeans" Williams, a farmer of simple garb and habits, was chosen governor of Indiana. VII. Rhodes, 223.

Union and might even replace the worse by the better in the practical conduct of affairs. There had, it is true, been considerable dread at the North, well harped upon by the party orators, lest these Democrats, upon gaining control of government with the aid of ex-Confederates would pay "Southern claims" arising out of the war and even compensate for the former slaves released from bondage. Solicitous in regard to the effect of this reiterated assertion upon Northern minds, Tilden's managers, headed by Hewitt, the chairman, who carried great weight in business circles, procured from him in good season an emphatic declaration against such a policy, and a promise on his part that, if elected President, he would "veto every bill" providing for the payment of such claims.<sup>1</sup>

The aftermath of the business panic of 1873 still lingering in the country, the financial policy of the Republican Congress did not commend itself heartily to certain manufacturers who barely made ends meet, nor to laborers still out of employment. In that respect the Democrats had the advantage of promising well, without having as yet shouldered responsibility for one course of action or another. Tilden stood equally well with Hayes on general views of practical finance, while in practical economic achievement his claims were much greater. Moreover, as the reader may well keep in mind, the centennial celebrations of the past two years had undoubtedly stimulated, consciously or unconsciously, among our inhabitants of both sections, the desire for restored peace and concord throughout the Union.

November 7th arrived just before the visible commemoration at Philadelphia had completed its wholly successful <sup>November.</sup> revival of the independent spirit of 1776 and closed its gates. The suffrage expression at the ballot box, throughout the whole country, was perfectly quiet and orderly, so far as could be perceived. At the South,

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<sup>1</sup> VII. Rhodes, 223.

as well as in the North, elections passed off without visible violence or disturbance of any kind at the polls. They who cast a ballot voted everywhere just as they liked, in the fair estimation of all observers. Not even in South Carolina was there outrage or bloodshed. How New York would go was the anxious question. It took less than an over-night count to make it manifest that this great State had by a majority of over 30,000 elected the Democratic Robinson governor and brought out the national Tilden ticket triumphant. "East, West, North and South have combined," proclaimed the press, the next morning, "and Tilden and Hendricks have prevailed." For the remainder of that day, at least, most people and most newspapers acquiesced cheerfully in such a result and business men went upon their way, contented if not openly rejoicing.<sup>1</sup>

## SECTION V.

### A DISPUTED ELECTION.

Early in the evening of that anxious November 7, it became known, far and wide, that Tilden had carried New York State by a large majority, and long before midnight it was also known in Eastern cities that Connecticut, <sup>1876.</sup> New Jersey and Indiana, among Northern States, <sup>Nov.</sup> had gone for him, besides. With these four States certain, Northern reckoners agreed that he had the "Solid South" to increase his total, or, at least, enough electoral votes from that restored region to insure his choice by a safe majority.<sup>2</sup> For upon such a figuring Tilden would receive 203 votes in the electoral college, as against only 166 for Hayes.

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<sup>1</sup> Newspapers; author's recollections.

In New York the voters, at their November election, accepted certain proposed amendments to the State constitution, whereby the prisons and canals were taken out of politics; an accomplishment for good which was mainly due to Governor Tilden. N. Y. Nation, Nov. 16, 1876.

<sup>2</sup> VII. Rhodes, 227

But two New York papers, the Times and the Herald, expressed a mysterious doubt as to election results, on Wednesday, November 8, while nearly every other morning newspaper in the Union announced confidently that Tilden and Hendricks had been elected. In later editions of that date the Times footed up 184 votes for Tilden, and 181 for Hayes, placing to the credit of the latter both South Carolina and Louisiana; and it further stated that Florida, while doubtful, was claimed by the Republicans, and that if the four votes of that State were carried accordingly Hayes would figure up 185 electoral votes as his total and win by a majority of one.<sup>1</sup> This news caused great excitement in New York which soon spread through the country. At two o'clock in the afternoon the Times displayed on its bulletin board the figures "Hayes 185, Tilden, 184." And late that evening the Republican National committee issued from the Fifth Avenue Hotel an official statement to the effect that with Republican victories in these three Southern States, besides those at the North, there was no reason to doubt, if reports believed correct were confirmed, that Hayes had surely a majority of one in the electoral college.<sup>2</sup>

The excitement, which continued through the country for a number of days, with disputatious claims and counterclaims made on either political side, according as one's sympathies were Republican or Democratic, was hardly allayed, when on November 10, the same day that he came to Philadelphia to close with due ceremony the Centennial Exposition, President Grant issued an ominous order to General Sherman, instructing him to have the officers in military command in Louisiana and Florida

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<sup>1</sup> VII. Rhodes, 226. See in *Century*, May, 1913, p. 10, Henry Watterson's explanation.

<sup>2</sup> *Ib.*, 228. Senator Chandler, apprised in early morning through the Times (an intensely Republican sheet) that news was asked at Democratic headquarters concerning those three Southern States, made claim at once from New York City on behalf of his Republican headquarters and sent telegrams to Columbia, Tallahassee and New Orleans, to assure his purpose. Henry Watterson, *ib.*

vigilant with their troops to preserve peace and good order and to keep the proper and legal boards of canvassers in those States from being molested in the performance of their duties. The motive of this order seemed just and impartial, as perhaps it was, and Grant's further expression was in appropriate language.<sup>1</sup> But military interference by the President at the South had not of late been so unpartisan as to cause Democrats equally with Republicans to confide in his action. Later, this same month, Grant took sides in South Carolina by issuing orders through Secretary Cameron that the Federal troops there should sustain Chamberlain as<sup>1</sup> governor against the Democratic claimant.<sup>2</sup> He also sent to New Orleans November 10, a committee, composed exclusively of Republicans, to watch the returns made up for Louisiana; whereupon Democrats sent other committeemen of their own. These, I may remark, were the "visiting statesmen," of whom much was heard during the three pregnant weeks which followed.<sup>3</sup>

The political results, in the three Southern States whose elections of November came into such speedy dispute, continued dubious in Louisiana, and were purposely kept so by a disreputable returning board whose members played for high stakes and were ready to sell the State's electoral vote to either national party. Zachariah Chandler had been chairman of the Republican National Com-

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<sup>1</sup> "Should there be any ground of suspicion of a fraudulent count on either side it should be reported and denounced at once. No man worthy of the office of President should be willing to hold it if counted in or placed there by fraud. Either party can afford to be disappointed in the result. The country cannot afford to share the result tainted by the suspicion of illegal or false returns." VII. Rhodes, 229.

<sup>2</sup> N. Y. Nation, Nov. 30, 1876.

<sup>3</sup> *Ib.* Dec. 7, 1876; VII. Rhodes, 230. Among those who were sent on either side were Sherman, Garfield, Stanley Matthews and Lew Wallace, as Republicans; with Palmer, Trumbull, Morrison, Randall, Doolittle, and Watterson, as Democrats—all men of probity and high character. There were in all twenty-five Republicans and twenty-three Democrats.

mittee as well as Secretary of the Interior. He had made zealous use of his position to levy assessments for the campaign fund freely and ruthlessly on the office-holders, and it was he who first raised a doubt and started the hunt in these Southern States for votes so as to count in Hayes. Through November he stirred the Republican press throughout the North to claim and maintain boldly that Hayes and not Tilden had been elected. Watterson asserts positively, as I have mentioned,<sup>1</sup> that Chandler sent telegrams very early in the morning of November 8th, to bespeak support from the corruptible canvassing boards in South Carolina, Florida and Louisiana, for his candidate, and it seems fairly certain that the Republican committee's claim by the ensuing night that Hayes was elected "beyond a doubt," if the despatches received were correct, was inspired by him.<sup>2</sup> And, more than this, the Secretary kept goading Northern newspapers, while the canvassing went on in those States, to show "grit" and insist that Hayes had carried South Carolina, Louisiana and Florida, all three States, and was safely elected over Tilden by a majority of one.<sup>3</sup> It may be that, at such a juncture, some Democratic managers were as willingly disposed as their opponents to carry their candidate by bluff; but as against the administration intrenched in strong possession at Washington they knew their party's weakness and attempted nothing of the kind.<sup>4</sup>

Republicans had contended, during the autumn's canvass, that, if the Democrats won, the credit of our nation would be seriously impaired abroad. It proved, on the

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<sup>1</sup> *Supra*, p. 312.

<sup>2</sup> See VII. Rhodes, 228, note, with citations. And see *Century*, May, 1913, p. 10.

<sup>3</sup> N. Y. Nation, Nov. 30, 1876; author's recollections. A cartoon, in one of the pictorial weeklies at this time, showed the elephant of the "G. O. P." trying to leap in desperation over a precipice, while Chandler at the brink was frantically pulling the animal back by its diminutive tail.

<sup>4</sup> Abram S. Hewitt, the chairman of the National Democratic committee, was a business man of the strictest integrity and honor.

contrary, when in early November Tilden was thought elected, that United States securities abroad remained steady as a rock. Gold advanced, however, at a later date, when the Presidential title was found to have come into open dispute.

While the tension of public excitement was stretched in great anxiety, Congress re-assembled, December 4, for a final and highly memorable session, to last until the 4th of March. A Democratic House and a Republican Senate confronted each other at the capitol with mutual distrust and a strongly opposing purpose. In the House Samuel J. Randall of Pennsylvania was promptly chosen Speaker, to fill the vacancy created by the death of Kerr. Randall was a man of forcefulness and courage, and as he mounted the steps to his desk, stood before the chair of honor, and took the gavel into his hand with an earnest and determined look, American flags draping the platform behind him, long and loud applause went up from the majority members who sat in front.<sup>1</sup> The Senate convened more quietly, and here Thomas W. Ferry of Michigan, already President *pro tem.* by the choice of his colleagues, officiated in place of Vice-President Wilson, deceased. In the Senate, the session's business began with a proposed inquiry into the recent elections in various Southern States: while the House appointed committees for a similar purpose.

The spirit of partisan hostility over the pending Presidential title burned fiercely in the two Houses at first. Nor was this spirit lessened when the President, in a special message of December 7, submitted to Congress, as though it were a public document, the report of the Republican gentlemen whom he had appointed to visit New Orleans, which with much casuistry defended the returning board of Louisiana in excluding certain parishes of that State from the reckoning.<sup>2</sup> A resolute purpose

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<sup>1</sup> I beheld that scene from the gallery.

<sup>2</sup> Cong. Globe; Harper's, Feb., 1877.

seemed to breathe from the circle of Executive control at the other end of the Avenue, to keep the citadel close for the national party which already held it.

A new Republican theory was now put forward, concerning the electoral count, which claimed for this President *pro tem.* of the Senate the absolute right to virtually decide as between Tilden and Hayes when the electoral certificates should be opened, in case of a dispute. The Constitution says: "The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted." This meant, as Republican Senators zealously maintained, that the President of the Senate should decide what certificates were to be accepted in the count as well as open them. In other words, the assembled Senate and House of Representatives were to sit together quietly and await a count and declaration by the Republican Senator Ferry, who held not even the credentials of a Vice-President chosen by the people, and was sure, as a strong partisan, to carry out the behest of his fellow-Republicans. This preposterous claim was openly made through December, sanctioned by Republican Senators, and leading newspapers in the land took up the cudgels of controversy on the subject. Adams and Jefferson, our two earliest Vice-Presidents, had in succession performed ministerial duties in an electoral count whose results declared him the next President or else showed a tie. And had any President of the Senate the constitutional prerogative now claimed for him, why might not John C. Breckenridge, in the count of 1861, have concerted with his supporters, while still Vice-President, to declare himself instead of Abraham Lincoln the next President, and thereby have thrown the title of Buchanan's legitimate successor into confusion, if nothing worse? Not even Hayes was proof against the startling pretension here set up, for he wrote to Sherman, January 5, 1877, in by no means a disinterested strain: "I believe the Vice-President alone has the constitutional power to count the votes and

declare the result.”<sup>1</sup> By that date, however, this new phenomenon, hailed at first as a guiding star by the wise men of his party, had nearly burned itself out like a Bengola light and was soon forgotten.<sup>2</sup>

There were leaders of calm and conciliating mood in Congress at this climax, and the temper of the opposing majorities in the two Houses was softened by the embarrassed conditions of the country, for memorials came pouring into Washington from bankers, merchants and business men, most prominent in home constituencies, praying earnestly that Congress should find some amicable way out of the present entanglement. In the House, on the 14th of December,<sup>3</sup> J. Proctor Knott, a Democrat of high character, reported from the Judiciary Committee a resolution for the appointment of a committee of seven by the Speaker to meet a similar committee of seven from the Senate, whose joint report upon mutual conference should present some measure for fairly and finally deter-

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<sup>1</sup> VII. Rhodes, 240, citing Sherman’s Recollections, 561. The N. Y. Nation stated (Dec., 1876), that “Zach” Chandler still insisted that Hayes had surely been elected, that the Vice-President would so announce it, and that Hayes would be inaugurated in person.

<sup>2</sup> I was in Washington from the middle of November, this year, until the end of December, watching carefully as a plain citizen the dangerous political development, which seemed to have been inspired from behind the throne. I had various conferences with the Washington correspondent of a leading Boston paper, whose views I found were in accord with my own. As a voluntary contribution to the discussion started at the capitol, I prepared and printed at my own cost an anonymous historical pamphlet upon “The Electoral College,” for refuting the theory that any President of the Senate had the constitutional discretion claimed for him at this time. A copy of the pamphlet was sent to each member of Congress. I never heard that this production was read or commented upon by any one; but I felt sufficiently rewarded when I found that the whole absurd claim was gradually abandoned.

<sup>3</sup> George W. McCrary, a Republican, had introduced a resolution in the House, Dec. 7, of the present purport, which went to the committee on the Judiciary.

mining the electoral count. This resolution was adopted, and the Senate, on the 18th, voted in favor of the measure and the appointment of a committee on its own part.<sup>1</sup> Among various schemes now broached for a settlement was that of Senator Edmunds (who had succeeded Trumbull as chairman of the Senate Judiciary Committee) to refer the whole controversy to the Supreme Court.<sup>2</sup> This was unacceptable; nor would Republican members agree to a proposal, on the Democratic side, that Congress should proceed as though there had been no majority election at all of any candidate; or, in other words, so that the House, which was Democratic, might eventually choose the President, as the constitution provided in such a case, electing Tilden, while the Republican Senate chose correspondingly the Vice-President, electing Wheeler.<sup>3</sup> Inquiry was already raised by the Senate majority, whether the right to vote had been abridged in South Carolina, Georgia, Florida, Alabama, Louisiana and Mississippi, while on its own behalf the House majority proposed investigating the conduct of the canvassing boards in South Carolina, Florida and Louisiana.<sup>4</sup>

On the 6th of December the electoral vote of all the colleges was cast, as statute law provided. South Carolina, Florida and Louisiana gave each the State's electoral votes to Hayes and the Republican ticket; while in Oregon a conflict occurred in the electoral college, which threatened to neutralize such Southern results and turn back the majority of one to Tilden on a total count. Let us examine these matters in detail.

(1). For South Carolina the Republican play had been

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<sup>1</sup> Cong. Globe, Dec., 1876; Harper's, Feb., 1877, VII. Rhodes, 248.

<sup>2</sup> Cong. Globe, Dec., 1876.

<sup>3</sup> N. Y. Nation, Dec. 21, 1876; author's recollections. Ex-Governor Jacob D. Cox of Ohio, whom I saw daily, this month, while we dined together in the same hotel, informed me that this latter proposal had been made by the Democrats and rejected by the Republicans.

<sup>4</sup> Harper's, Feb., 1877.

in Governor Chamberlain's hands, and, as a public man honorably disposed, he must have deplored the odious task now thrown upon him. With Federal troops to back him and an express Federal recognition of his State government as the legitimate one, whether by election or re-election, he could manage the situation in his own way.

Election results in South Carolina, both State and national, were undeniably close and the Executive temptation was strong to manipulate and falsify, when the canvassing board footed up the returns. Both parties in the State were vigilant over the count; the Hampton men complaining that United States troops had been <sup>November-</sup>stationed near the polls at the election, while <sup>December</sup> Chamberlain's supporters retorted that negro voters had been intimidated by the Democratic "rifle clubs." South Carolina's supreme court intervening, it appeared that Hayes carried the count as President, and Hampton as governor, each by slight majorities.<sup>1</sup> But on Sunday, November 26th, the time now near at hand for testing the State elections, the President ordered Cameron, his Secretary of War, to sustain Governor Chamberlain against "domestic violence," as the constitution provides.<sup>2</sup> Troops were accordingly quartered in Columbia, who occupied the State House under Chamberlain's supervision. When the legislature convened that week to inaugurate a new government, Federal sentries who had been posted at the door kept Democrats from entering the hall who could not produce passes from one of Chamberlain's underlings. For State police or State sheriffs this governor seems to have had no use. The canvassing board, in gross violation of the supreme court's mandate, had given certificates of election which secured a Republican control of this legislature. Hence the Democrats withdrew in a body, and a dual legislature with a dual State government

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<sup>1</sup> N. Y. Nation, Nov. 23, 1876.

<sup>2</sup> This order did not state upon whose constitutional application the intervention was based; but probably Chamberlain made the request.

was the consequence. Both Chamberlain and Hampton were installed as governors in rivalry and to the latter as rightfully chosen most of the property and intelligence of the State gave a determined support.<sup>1</sup> South Carolina's board of canvassers certified to Republican electors as regularly chosen at the polls; and those electors voted, of course, for Hayes. But the Democrat electors met in college for themselves, fortified by the judicial imbroglio, and their electoral vote was cast for Tilden.<sup>2</sup>

(2). In Florida, a canvassing board of three was invested under local law with the dangerous power of throwing out votes given at the polls on the ground of intimidation and fraud; and this board was under Republican control. Here the county returns showed a majority of 90 cast for the Tilden electors; but two of the board, constituting a majority, converted this into a majority of 925 for Hayes, alleging frauds and irregularities. The popular total in this State was undeniably close; yet its modest four electoral votes should in fairness have been conceded to Tilden, thus resolving the whole oppressive uncertainty over Presidential candidates to the great relief of the country.<sup>3</sup> In those days Tallahassee, the capital, and the whole western region of Florida seemed remote and barely peopled, being reached in fact only by a worn-out and unsafe railway, with broken communications by telegraph; while the new life-blood which was to regenerate this State and make it prosperous and attractive, coursed already with energy down through its eastern peninsula,

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<sup>1</sup> N. Y. Nation, Nov. 23, Dec. 7, 1876; Harper's, Feb. 1877. The canvassing board threw out certain returns so as to count in Chamberlain.

<sup>2</sup> *Ib.*, Dec. 7-21, 1876; Harper's, February, 1877. And see VII. Rhodes, 229, which omits most of these details.

<sup>3</sup> See VII. Rhodes, 229, 230. The Florida canvassing board had two zealous Republicans, and these only of the three signed the certificate for Hayes electors. Governor Stearns had at first announced in eagerness that he would count the vote himself, but a court injunction constrained him. N. Y. Nation, Dec. 7, 1876.

following from Jacksonville, southward, the line of the St. John's river with its tributary, the Ocklawaha. In that sure direction, and for bringing orange growers to settle, besides an increasing crowd from all quarters of the Union to travel thither in search of health and recreation, Florida's new and permanent growth in numbers and importance had already begun.<sup>1</sup>

(3). The storm centre of this electoral strife was, of course, Louisiana. That State of large commerce and industries had eight electoral votes to confer in its college, all of the utmost consequence for recording a majority to those who favored Hayes as President. To New Orleans, where the canvass of Louisiana's popular vote took place, "visiting statesmen" repaired of the Republican faith, followed by twenty-three stanch Democrats, all sent to watch the count by the canvassing board and fraternizing with one another to a considerable extent. The Republican visitors bestowed upon their Democratic brethren, when the latter arrived, a well-worded homily concerning that high moral endeavor which should afford a rule for mutual guidance; but when the Democrats asked by letter a practical co-operation so as to secure "an honest count and true return of the votes," the Republicans, not unmindful of the advantage they possessed from the start in a returning board of their own party faith, declined the offer politely, alleging the legality

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<sup>1</sup> Author's recollections, Jan., 1877. At this time Jacksonville was a rapidly increasing centre for Florida's distribution of winter tourists, having large and commodious winter hotels. From that point travel was by steamboat as far south as Sanford and Enterprise. At an eastern landing-place on St. John's river passengers would leave the steamboat and take passage by a short railway ride to St. Augustine, already famous for its old Spanish fort and surroundings, its beach of soft sand and delicate shells, and a winter society in which army and navy officers figured largely. Mrs. Harriet Beecher Stowe had a winter cottage at Mandarin, and the charms of Florida and fruit culture were strongly set forth in a book written by Sidney Lanier, the poet.

of non-interference with State rights. The returning board, however, in a hospitable way, invited committees of five from each group of these "visiting statesmen" to attend freely their open sessions. The invitations were accepted and both Republican and Democratic witnesses were present at those sessions.<sup>1</sup>

This returning board of Louisiana was a disreputable crew, and all deference paid to it by our distinguished visitors must have been purely politic, with an inward revulsion of the stomach. It comprised four members, two white and two colored men, all Republicans by profession. Wells, its president and master spirit, an ex-governor of the State who now held a lucrative Federal office in the custom house, was a scoundrel, tricky and unreliable, whose character had degenerated during the past ten years, while he managed Louisiana polities by the corrupt arts of subterfuge and chicanery.<sup>2</sup> Anderson, the other white member, was corrupt, and of the two negroes "Kenner had been indicted for larceny while Casanave was an ignorant nonentity."<sup>3</sup> According to law the Democrats should have been represented on the board, and originally there had been a Democratic member, but he resigned in 1874 and the present board had, upon one technical allegation or another, failed to supply the vacancy. Such was the tribunal of Louisiana upon whose decision the legitimacy of a Presidential succession for the whole Union was chiefly to depend.

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<sup>1</sup> *Supra*, p. 313, VII. Rhodes, 230, 231. According to Watterson, one of the Democratic visitors, there was personal intimacy between the two political groups and the "entente" was quite as unrestrained as might have existed between rival athletic teams. *Century*, May, 1913, p. 14.

<sup>2</sup> VII. Rhodes, 231. Of him General Sheridan had written not too harshly: "His conduct has been as sinuous as the mark left in the dust by the movement of a snake." "He has not a friend who is an honest man." *Ib.*

<sup>3</sup> *Ib.*, 231. These same four men had composed the returning board of 1875, whose action was condemned by Foster, Phelps, Hoar and Wheeler. VII. Rhodes, 231. And see *supra*, p. 247.

At the sessions attended by "visiting statesmen" the returns from each parish (or county) of the State were opened and the votes for Presidential electors examined. Where no protests were filed the returns were sent to private rooms to be tabulated by clerks, all of whom were Republicans and several notoriously bad and under criminal indictment. Where there were protests, based upon charges of intimidation and fraud, the board took testimony on both sides, much of it consisting of *ex parte* affidavits loosely expressed and irrelevant in point of time.<sup>1</sup> On December 2, the returning board went into secret session. On the 3d, and three days before the official canvass was completed, the United States marshal at New Orleans telegraphed exultingly to a Republican Senator at Washington that Wells says "Board will return Hayes sure. Have no fear!" On December 6, the returning board promulgated, as the result of their canvass, that the Hayes electors had majorities varying from 4626 to 4712. On the face of the returns, however, the Tilden electors had majorities varying from 6300 to 8957. To change that obvious result the returning board must have thrown out about 13,000 Democratic votes in the State against 2000 Republican,—a net Democratic disfranchisement relatively equivalent to the rejection of 70,000 votes in the State of New York.<sup>2</sup>

Surely, such sessions as these, with their proclaimed totals, could have carried very little conviction to the hearts of those intelligent and mostly upright men from the North who had gone through the farce of watching and witnessing the official count. "As a matter of fact" (to quote Mr. Rhodes's conclusion) "Wells and his satellites in secret conclave determined the presidency of the United States, but, before returning the vote of Louisiana

<sup>1</sup> VII. Rhodes, 232. Nevertheless, some intimidation of negro would-be Republican voters by white Democrats was clearly shown.  
*Ib.*

<sup>2</sup> *Ib.*, 232. I take these figures and statements from Mr. Rhodes, who cites his authorities.

for Hayes, there is little doubt that he offered to give it to Tilden for \$200,000."<sup>1</sup> Based upon this brazen declaration of a corrupt returning board Governor Kellogg of Louisiana gave to the eight Hayes electors the regular certificate of election; and Louisiana's vote was promptly cast in due form for the national Republican candidates.<sup>2</sup>

(4). The Democratic party, through its national committee and leaders, had been vigilant, all the while, on behalf of Tilden and Hendricks. To offset the electoral majority of one, claimed for Hayes at the South, the situation in Northern States which had gone Republican in November-ember was eagerly scanned to discover whether December electors in this section, were it only a single individual, might not turn the reckoning decisively. But though appeal had been made in good faith, here and there, for some Northern elector of political independence to give a vote against his party in the college of December and as a lover of his country relieve this intolerable tension from which business suffered, every elector gave his ballot at the appointed time as his honorable pledge to the voters who had made him their proxy demanded.<sup>3</sup> And since all electors had to vote on the same day, as our constitution required, no conclusions as to the three dis-

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<sup>1</sup> VII. Rhodes, 233. And see that author's further comments (*ib.*, 233-235) upon the labored justification of the action of this Louisiana board, contained in John Sherman's letter to President Grant of December 6, on behalf of the Republican visiting statesmen, which was made the staple of an Executive message to Congress, *supra*, p. 315. Whatever the loss to Republican totals in that State through Democratic intimidation at the November polls, they were undoubtedly offset by Republican frauds in the registration. *Ib.* For Hewitt's positive statement that the electoral vote of Louisiana was offered to him for money and that he declined to buy it, see Century Magazine, May, 1913, p. 15. <sup>2</sup> VII. Rhodes, 235.

<sup>3</sup> James Russell Lowell, one of the Republican electors chosen in the Massachusetts college, was urged to cast his vote for Tilden upon some such conception of a patriot's duty, but he wisely refused to do so.

puted States of the South could be safely drawn beforehand.

Close scrutiny was brought to bear upon Colorado, with her three electoral votes pledged to Hayes, and the question was asked whether Colorado was, in fact, a State in the Union already. Upon that point the House Judiciary Committee was long divided in opinion, but ultimately Colorado's vote went unopposed in the count by Congress. A better ground for Democratic challenge had been presented in the case of that other Northern State, Oregon, whose electoral vote was also three. There a local controversy arose in November. Hayes carried the State unquestionably, that month, by a popular majority of over 1000; but one of the electors chosen, Watts, proved to be a deputy postmaster, and hence was ineligible under our constitution as "holding an office of trust or profit under the United States." Grover, the present governor of Oregon, was a Democrat; and refusing to give Watts a certificate, he certified, instead, the election of Cronin, who stood highest on the list of Tilden electors. On December 6, the three Republican electors met to cast the State's ballot as a college; and Watts resigning as an elector, the vacancy created was filled on the spot by his reappointment, a dubious procedure; after which the three cast their votes together for Hayes. But Cronin, when the two Republicans lawfully chosen refused to act with him, withdrew to a corner of the room, declared two vacancies in the college and appointed Democrats to fill them. This improvised electoral college cast two votes for Hayes and one for Tilden and Governor Grover gave his recognition.<sup>1</sup>

Congress assembled in session but two days before the electoral colleges met, throughout the land, and when the total result, already foreshadowed, became known, the excitement there was intense. Hayes, according to the authenticated votes of the whole Union, had 185 and Tilden 184; but the Democrats charged that the 4 from

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<sup>1</sup> VII. Rhodes, 238, 239.

Florida and the 8 from Louisiana were stolen. If, however, the Cronin certificate, authenticated by the governor of Oregon, was to be held valid, the total for the whole Union stood reversed, with Tilden 185 and Hayes 184. The Democrats made no present claim to the one vote from Oregon, their plan, as contrived, being rather to put Republicans to the dilemma of choosing whether to go by the formal certificates in this whole dispute or to go behind them and investigate the facts. For whether the one rule or the other was applied consistently to these four states, as it would seem, Tilden, upon the count by Congress, must prove to be the President rightfully chosen.<sup>1</sup>

It was under such a stress of the situation that, during the next four weeks, the audacious theory was put forward and pressed by Republican partisans to which I have alluded<sup>2</sup> that the President of the Senate had, under our constitution, the *ex-officio* right, solely and responsibly to declare the result of an electoral count, while Senate and House of Representatives sat dumbly before him. And what most moved this Republican Senate to promulgate such a theory was the troublesome fact that a joint rule had been adopted in 1865 by the two Houses to meet the necessity of excluding Southern States, still in rebellion or not reconstructed, from the electoral count. That joint rule, which had been applied in 1865, 1869 and 1873, distinctly provided, that "no vote objected to shall be counted except by the concurrent votes of the two Houses." Hence, with the present Democratic House sure to object to counting the official votes returned for Hayes from Florida and Louisiana, the Republican Senate was undone if that rule now continued effective. And to change that joint rule for the coming count of February was, of course, impossible.<sup>3</sup>

During the four weeks of painful suspense that followed

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<sup>1</sup> VII. Rhodes, 239.

<sup>2</sup> *Supra*, p. 316.

<sup>3</sup> See VII. Rhodes, 240, 241. In 1873 the vote of Louisiana had been rejected by the concurrent action of both Houses, and that of Arkansas by the action of the Senate alone. *Ib.*

December 6, the two rival claimants, Hayes and Tilden, gave no clear sign of their intentions or wishes. Each doubtless meant to make a good President, if <sup>1876, Dec.</sup> counted in, patriotic, sound and conservative. But <sup>1877, Jan.</sup> neither had been cast in a heroic mould. Hayes had shown himself trustworthy in all public responsibilities committed to him, conscientious and discreet; yet he was by nature and training a follower rather than a guide of opinion, an average American of the better sort. His soul abhorred the idea of owing his election as President at this time to a fraudulent reckoning, and the attitude he took was honorable enough in aspect. "There must be nothing crooked on our part," he wrote to Sherman at New Orleans, November 27th: "Let Mr. Tilden have the place by violence, intimidation and fraud rather than undertake to prevent it by means that will not bear the severest scrutiny."<sup>1</sup> In that same letter he also said: "A fair election would have given us about forty electoral votes at the South—at least that many";<sup>2</sup> and with so strong a belief that the Southern Democratic vote was dishonest he would not have been easily convinced that the electoral votes of Florida and Louisiana did not rightfully belong to him. And again, as we have seen, when, in the new emergency revealed by December, his partisans brought forth the new postulate concerning a Republican President *pro tem.* of the Senate, he applauded that postulate as law and gospel and became fully convinced that Congress had no right to meddle.<sup>3</sup> It is one thing to utter fine sentiments and another to act courageously as fine sentiment prompts.<sup>4</sup> Hayes, however, should not be dealt with harshly in the present instance. It was natural that he should wish the Presidency, and natural, too, that he should persuade himself that he was honestly entitled to it upon the whole

<sup>1</sup> VII. Rhodes, 236, citing 1 John Sherman's Recollections, 559.

<sup>2</sup> *Ib.*

<sup>3</sup> *Supra*, p. 316.

<sup>4</sup> Mr. Rhodes thinks that if Hayes had envisaged the facts in Louisiana as now historically shown, he would have refused to accept the Presidency. VII. Rhodes, 236. This I greatly doubt.

showing. Had he refused to accept the office, as the electoral count now stood, he would have put himself outside the political pale with only his personal self-respect and an approving conscience for recompense. It is easier to say "I had rather be right than President," than to act upon such a precept; nor perhaps would Henry Clay himself, the author of that phrase, have applied it always in his own ambitious career. Only the most indignant refusal and remonstrance on Hayes's part, while party spirit was running so high, could possibly have aroused a tempest of popular approval strong enough to compel those Republicans who still held the fortress, to throw open the gates to the Tilden forces and capitulate. Most probably the party leaders would have turned next to Wheeler, their Vice-President elect, with undiminished energy; in some way they would have baffled the Democrats who sought a lodgment. And hence it was natural that Hayes, instead of seeking self-immolation, should have committed himself and his political chances to his plausible defenders, and especially to his bosom friend Sherman, the most plausible of them all.<sup>1</sup>

As for Tilden, it would seem that he showed infirmity of purpose at this critical stage, and, at any rate, such an impression was given to his supporters, in consequence of which all popular enthusiasm for him as President, now or hereafter, was lost. His cause was a good one but he did not champion it. Neither by years nor temperament was he fitted to take an inspiring lead for the perilous situation revealed by the electoral footings of early December. The heroic course on his part would have been, with the concurrence of his managers, to issue at once some brief address to his supporters at the polls—who under any disadvantage of the electoral count, really outnumbered the Hayes voters by more than 260,000—, asserting, boldly and unequivocally, that he did not mean to yield his

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<sup>1</sup> Sherman visited Hayes in Ohio, upon his return from New Orleans, and induced the latter to see things with his own eyes, "which were those of a stubborn partisan." VII. Rhodes, 238.

honest rights and theirs to any fraudulent juggling with the November returns in Florida or Louisiana. Any clear statement of such a purpose—and the calmer, if expressed with determination, the better—would have aroused the people, and put those who were conspiring to exclude him corruptly from the succession upon a difficult defensive. The whole rascality of Louisiana's venal canvassers, with their base offer to sell him the electoral vote for cash, would have been spread broadcast by an eager press and the whole Presidential contest threshed out as it should have been. Jefferson in 1801 did not threaten nor try to brow-beat, but he made it clear both to party friends and foes that he was not to be tricked out of a just inheritance. And although Grant, sullen and determined, was not likely to have surrendered his place on the demand of any Democrat whom the Senate's majority challenged, he as well as Republican senators was amenable to wholesome counsel and pressure, and would not willingly have upheld a manifest wrong, with all his preference for a Republican successor.

Such nerve and persistency on Tilden's part would not and should not, have produced a new recourse to arms and bloodshed, for the leaders at Washington who conspired to count the Presidency for Hayes, all of them impressible by public opinion at large, would have weakened, and Hayes himself must have been forced into the open to announce his own intention. Conscience makes cowards of those plotting guilt. Congress would presently have consented to treat this issue as one of honest fact, honest submission to constitutional law and an honest counting, with the Senate and House co-equal for determining which of the two rival candidates for President had really and truly been the November choice of the people.

Tilden made no appeal to the people though conferring privately with his managers; and the contemporary impression—not wholly accurate—was that he devised no plan of action for his supporters to pursue. Republican partisans imagined him slyly furnishing funds from his money chest to procure the Democratic elector in Oregon as a trump

card to play in season; but this was unjust to him. The terrible strain of anxious perplexity, following so closely a long and strenuous canvass before the people, must have exhausted him much, in mind and body. Democratic statesmen, from the South and elsewhere, who, now or later called to consult him at Gramercy Park, never having met him before in person, thought him physically feeble, as well as secretive and indisposed to give co-operative direction. Their enthusiasm in his behalf evaporated. Yet, to take all the testimony together, it would seem that Tilden really developed, though tardily, a course of action. For more than a month following the November election he was engaged in compiling a complete record of electoral counts from the foundation of the government—unaware, of course, that other and younger minds had engaged more rapidly in that same studious research for his benefit—, and he reached the inevitable conclusion that the claim now set up for the President of the Senate and acting Vice-President to count and declare at his discretion was absurd and untenable. And what he actually sought and desired was that a Democratic House should present the bold front to Republican conspirators in the Senate which he himself had failed to exhibit; standing upon its constitutional right to participate and availing itself of the joint rule which was still unrepealed for throwing out the fraudulent returns in dispute. But to postpone and risk extremities on such a course as late as February, was not without danger. Other State returns might fail of a joint acceptance, were the Senate disposed to counteract; or in the last emergency of a deadlock Republican Representatives might withdraw, leaving the House a rump. And where were the candid Republican Senators who meanwhile would be convinced against their own wishes, that Ferry<sup>1</sup> was without authority to count and declare? Public opinion had not been aroused. The House, out of possession, was at great disadvantage in any contest for capturing the stronghold of national patronage. South-

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<sup>1</sup> The President of the Senate *pro tem.*

erners had fought one war through with disaster upon a Presidential succession and were quite indisposed to be forced into another. As for the stubborn Executive now seated at the White House, who had the army behind him and knew how to handle troops, it was morally certain that he would not permit anything like a dual Presidency to be set up; and it was almost equally certain that, with his strong party preferences, his personal obtuseness on points of legal disputation, and his familiarity with deciding between State claimants for governor, he would recognize Hayes and instal him as successor, should the Senate, with or without Ferry, declare for him. Hence judicious Democrats in the House—Hewitt included, the chairman of the Democratic National Committee and Tilden's chief spokesman,—turned their thoughts to other and timelier plans for adjusting the present dispute; and as Tilden neither pressed his scheme upon them nor manifested a co-operating sympathy in other directions, the conferences of House and Senate at Washington went on without him.<sup>1</sup>

The joint committees of Senate and House, appointed in December,<sup>2</sup> had been so made up that Democrats and Republicans should be represented on each committee, and that for joint conferences the united body should be equally

<sup>1</sup> See VII. Rhodes, 243-247, with citations from Bayard, Bigelow and others. And cf. Henry Watterson in *Century Magazine*, May, 1913, on the whole subject. Watterson at this time was a member of the Democratic House, one of the selected visitors at New Orleans, and a statesman cognizant of what went on at Washington afterwards. He was also editor of the well-known newspaper at Louisville. His blood was up and he announced, about this time, that 100,000 unarmed citizens would march to Washington in mass to maintain the rights of Tilden. For this he was ridiculed in a cartoon by Nast. Watterson claims that this idea embodied suggestions for rousing public feeling through the medium of the House, which Tilden had strongly approved upon a personal consultation. Tilden, he says, wrote to Speaker Randall, instructing him what to do if the popular response proved favorable. But the House Democrats, he adds, were equal to nothing of the kind, and hence he delivered that speech not in the House but at a public meeting. <sup>2</sup> *Supra*, p. 317.

divided in politics. Henry A. Payne of the House, a wealthy Ohio Democrat, given to hospitalities, was made chairman. The meetings began on the 3d of January, 1877, and the first of them was held in one of the House committee rooms, formerly occupied by the Speaker. At the earliest conferences the representatives of both parties were stiff and unaccommodating. For a week no apparent progress was made and agreement seemed impossible. Whatever plan was proposed on one side, would lead to the election of Tilden, and whatever was proposed on the other to the election of Hayes, neither of which conclusions was mutually acceptable. But gradually a scheme took shape to which Edmunds and McCrary led for the Republicans, whereby the electoral count in the disputed cases should be referred to some high commission, upon whose several decisions the two Houses should take final action. Discussion showed a preference that such a tribunal should be composed of members of Congress, chosen equally from the two parties, with justices added from the Supreme Court; fifteen to be the full number of commissioners, one-third from the Senate, one-third from the House and one-third from the Judiciary. Fourteen members of such a tribunal being known by their politics to be predisposed either to Hayes or Tilden—for even the four Justices fixed upon were reckoned as partisans with the rest, making seven Republicans and seven Democrats in all—a lot or chance feature was introduced, by taking for the fifth justice one whose political bias was uncertain and whose gravitation, whether to Hayes or Tilden, afforded a theme for speculation. So captivating, indeed, became the idea of making a sort of gamble of the whole matter that it was once proposed to draw lots for determining what five from among the six senior Justices should go upon the commission, since Senators and Representatives of such a tribunal were confessedly even in the scale; but when information of such a project leaked out from the committee room the newspapers made indignant remonstrance. It would be shameful, they contended, to put up the great office of President of the United States for

a raffle. "A simpler way," said the *New York Times*, "would be for Mr. Hayes and Mr. Tilden to 'draw cuts' for the Presidency."<sup>1</sup>

At length, however, after the politics of each member of our solemn silk-gowned tribunal had been weighed and discussed, the two committees came to amicable terms in conference and agreed upon the details of a bill which was reported to Congress, January 18, with the recommendation in writing of every member of the House committee and all but Morton of the committee from the Senate. This bill, which proposed the institution of an Electoral Commission for the present controversy, had been considered and framed in great secrecy. It provided that no electoral vote or votes from any State from which but one return had been received should be rejected, except by the affirmative vote of the two Houses. In the cases of States from which there was more than one return<sup>2</sup> all such returns and papers should be "submitted to the judgment and decision, as to which is the true and lawful electoral vote of such State," of an Electoral Commission to be composed of five Senators, five Representatives, and five associate Justices of the United States Supreme Court. Four of these Justices were clearly designated in the bill,<sup>3</sup> and these four were to select a fifth. The decision of this Commission in a case could be overthrown only by the concurrence of both Houses acting separately.<sup>4</sup>

This measure was hailed with satisfaction by Congress and the country, for it seemed to open a sensible way out of a difficult situation which no technical array of rules or precedents could readily solve while political antagonism continued so strong. It is to the lasting credit of sovereign rule by the people, from our Anglo-American point of view, that cool heads and judicious minds have so con-

<sup>1</sup> See in detail VII. Rhodes, 248-255.

<sup>2</sup> Florida, Louisiana, Oregon and South Carolina.

<sup>3</sup> Clifford and Field, both of whom ranked as Democrats, with Miller and Strong, as Republicans.

<sup>4</sup> VII. Rhodes, 255; Act Jan. 29, 1877.

stantly contrived plans together for allaying factional strife in politics to the utmost. Revolutionary disputants for President with selfish ends and ambition we never yet have had, and civil war itself has been conducted for public and beneficent ends only. Compromise is of the essence of all constitutional government, and where moral principle is not sacrificed to an expedient temporizing, compromise should be commended. Here, at least, was no manifest contention between moral right and wrong, as in a former era; and if any tribunal of domestic arbitration could be trusted at all to do justice over a Presidential controversy where the votes were numerically close, it was surely one made up like this.<sup>1</sup>

Congress passed promptly this Electoral Commission bill, with the substantial support of members both Democratic and Republican in each branch, and President Grant affixed his signature, sending to the Senate a message of cordial approval.<sup>2</sup>

Analysis of the votes and debates in both Houses of Congress on this important measure shows that the opposition to such a tribunal came mainly from pronounced Republican members who wished Hayes seated, while

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<sup>1</sup> Watterson insists, however, that the creation of an Electoral Commission was in direct contravention of Tilden's wishes; that when consulted by Hewitt, on behalf of himself and his Democratic colleagues of the House Conference Committee, which was not until January 14, Tilden pronounced it a surrender too precipitate, too much like a panic, and that he still stood for publicity and a wider discussion of the co-equal rights of the House upon any electoral count, before yielding to the arbitrament of an extra-constitutional tribunal. *Century*, May 13, p. 18.

<sup>2</sup> VII. Rhodes, 256-261. The bill passed the Senate, January 24, by 47 to 17: the ayes being made up of 26 Democrats and 21 Republicans. The House took up the bill, January 25, and next day passed it by 191 to 86; the ayes including 159 (or else 158) Democrats and 32 Republicans. The bill was signed by the President January 29. Conkling in the Senate had made an admirable speech in favor of this measure.

those on the Democratic side favored the plan quite generally, thinking a positive concession had been made to them. The Senate yielded here the absolute claim set up for its presiding officer, in counting and declaring should a contest arise, and made a merit of doing so, while as to the claim itself Conkling, who was a Hayes man, riddled it through and through in course of the Senatorial debate. Yet to procure that yielding from a Republican Senate was an obvious gain; and so confident now were the Tildenites that he had been rightfully chosen President, that they stood ready to submit their case to the adjudication of any fair-minded tribunal composed of honest and intelligent men.

Ill-fortune, however, attended the Democrats from the moment that the Electoral Commission bill was put upon its passage in the House and before it became a law. That "lot" or "chance" in making up the tribunal which the conference committees had so keenly considered, centred in the fifteenth man—or, in other words, the fifth justice to be added from the Supreme Court. Judge David Davis was the man whom all the framers of the bill had kept constantly in view, as one whose bias over the present situation was sufficiently in doubt to qualify him for umpire and put both sides to guessing. Davis was a man of well-known independence in politics; the friend of Abraham Lincoln, who had appointed him to this court, he had merged of late years into a Liberal Republican; and his long experience on the bench, his high attainments and character, confirmed the belief that he would decide for himself as between Hayes and Tilden, and announce his opinion with fearless independence. But just at this time a contest in the Illinois legislature over a successor to the Republican Logan in the Senate, wherein Davis figured as a fusion candidate, was decided, January 25, by his choice on the fortieth ballot. This placed the Justice in a new relation towards the electoral count and, whether from principle or policy, notwithstanding his resignation from the court to become a Senator would not take place until the 4th of March, Davis positively refused to serve

upon the present tribunal. Chief Justice Waite having evaded all such responsibility from the beginning, the four judges who were designated under the act chose as their fifth colleague, Justice Bradley, who accordingly became the fifteenth man and umpire. It was not an enviable position to occupy, and Bradley, though rather negative in his politics, was a Republican in sentiment, owing his present office to President Grant and to Senators who upheld Hayes. Of a nervous, shrinking and sensitive temperament, he accepted his place on this tribunal without a demur and yet reluctantly. Democrats were much disappointed over this unexpected turn in the composition of the Electoral tribunal, and while manfully resolved to abide by their pledges, felt that the luck had started against them.

The members of this Electoral Commission for the two Houses of Congress comprised in all five Democrats and five Republicans of full party standing; yet, not to antagonize Senate and House too directly by their party majorities, it was agreed that each branch should have a minority representation. Three Republicans and two Democrats were accordingly chosen for the Senate's five—Edmunds of Vermont, Morton of Indiana and Frelinghuysen of New Jersey, together with Thurman of Ohio and Bayard of Delaware. Three Democrats and two Republicans were chosen correspondingly for the House—Henry B. Payne of Ohio, Eppa Hunton of Virginia and Josiah G. Abbott of Massachusetts, together with George F. Hoar of Massachusetts and James A. Garfield of Ohio.<sup>1</sup>

On Thursday, February 1, at one o'clock, the two Houses of Congress convened in the Representatives' chamber, <sup>February</sup> to attend jointly to the formal counting of the electoral votes of the Union, as the constitution and statute had provided. President Ferry of the Senate took the Speaker's chair to perform the usual ministerial functions of his office; opening the sealed certificates from

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<sup>1</sup> VII. Rhodes, 261-264.

States and handing them to tellers of the two Houses for tabulation. These returns were taken up in the customary alphabetical order of States. From Florida, Louisiana, Oregon and South Carolina, opposing returns were found, as the count went on through the month, and these cases in turn were sent to the Electoral Commission for decision. That tribunal held protracted sessions as occasion required, occupying the old Senate chamber, now the Supreme Court room, and sitting in chairs behind the railing at the long table usually occupied by our full bench of justices. The five Judges of the Commission, with Clifford chosen presiding officer as senior in commissions, occupied the centre of the tribunal, while the five Senators were ranged on the right and the five Representatives on the left. In front of the railing and raised platform were tables and chairs for counsel, as in the usual arrangement while the court held sessions; but during the present hearings a vast array of spectators crowding the floor and the inconvenient gallery gave an unwonted aspect of liveliness to a chamber usually quiet, decorous and but partially filled in this era, while devoted to briefs, dockets and the drone of professional prosiness.<sup>1</sup>

In all the four cases submitted to them in turn by Congress—Florida, Louisiana, Oregon and South Carolina—the Commission declared during February in favor of the Hayes electors. Those decisions were, each in due order, sustained by the Senate but rejected by the House, and since concurrence in action of the two branches was wanting each decision stood. Slowly the counting proceeded thus, in the alphabetical order of States to the end. Following an all night session of March, President <sup>March.</sup> Ferry, upon the final reckoning of the tellers who delivered to him the results of the count, declared that the total vote stood 185 for Hayes and 184 for Tilden, and that Hayes was accordingly elected President of the United States for four years commencing on the fourth of March. Thereupon the joint meeting of the two Houses was

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<sup>1</sup> See picture from the Fassett painting, *Century*, May, 1913, p. 16.

dissolved just after four o'clock on Friday morning, March 2, and the Senate left the Hall of Representatives.<sup>1</sup>

The fact most patent and impressive about this outcome of the long-drawn electoral struggle, which ended only about fifty-six hours before the present Congress and Executive administration would legally expire, was, that each essential decision by this grave Electoral Commission was rendered by a bare majority of 8 to 7—not a single member of that tribunal voting contrary to his party affiliations—, while, furthermore, each House voted correspondingly by its Republican or Democratic majority to approve or disapprove each decision. The Republican Senate wholly assented to the conclusions of the Commission while the House wholly dissented, and under such opposing conditions Hayes won and Tilden lost. The pertinacity with which statesmen, the most sagacious and the most honorable among us, will band together to uphold party candidates or a party policy was here much more strikingly manifested than in the impeachment trial of Andrew Johnson. It mattered but little that five of the most dignified judges in the whole continent shared deliberations and conclusions with conspicuous Senators and conspicuous Representatives, in the chamber where private suitors were wont to plead cases of the weightiest moment before them as to oracles of wisdom and impartiality. Judges and Congressmen alike were each and all influenced by political prepossessions towards one Presidential candidate or the other, and not one of the fifteen arbiters was converted from his own views or attitude by the long and ingenious arguments of the eminent counsel lined in front of them on either side to plead. These beat the air and spun webs of sophistry or truth, only to supply reasons pro or con to support opinions which arbitrators already held well in mind. As the expected “lot” or “chance,” Justice Bradley failed wholly in the part of umpire for which he was cast. Though not a

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<sup>1</sup> VII. Rhodes, 265-279.

deeply-dyed partisan he was of the party now in power and no independent at all. He consorted with Strong, that associate on the bench who was appointed at the same time with himself, and both were swayed in their opinions by the forceful Miller, whose politics were known to be uncompromisingly Republican.

The ground of decision taken by the majority of this Commission was revealed in the case of Florida, the earliest and best argued of them all. Here the returns had comprised one certificate in favor of the four Hayes electors which bore the signature of the governor and secretary of state holding office when the electoral colleges met, while other certificates, differently authenticated and yet *bona fide* on their face, evinced that the circuit and supreme courts of Florida had decided against the two Republican canvassers who made a majority, upholding the third and Democratic canvasser,—also that by *quo warranto* proceedings in those courts it had been established that the Hayes electors were usurpers and those for Tilden rightfully chosen. The new Democratic governor now in office certified anew under the seal of the State and a new Democratic legislature sustained him. The 8 to 7 pronouncement, however, which gave Florida to Hayes and practically decided the Presidency was in effect that all this evidence against the State canvassing board even if imputing fraud went for nothing; that it was not competent for this Commission, under the constitution and the law, to go into evidence *aliunde* to ascertain that other persons than those regularly and originally certified to by the governor of the State under the State seal were the true electors. Here, in point of fact, the two Republicans of Florida's canvassing board, as against the third, a Democrat, had thrown out the votes of certain counties or precincts in order to count in the Hayes electors, but the judicial tribunals of the State had, upon due investigation, pronounced their action null and void under Florida law.<sup>1</sup>

The decision of the Commission thus rendered was a

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<sup>1</sup> VII. Rhodes, 265-274.

technical one, made in utter disregard of a presentation of facts which, to say the least, raised strong suspicion that Florida's governor of December had certified to a flagrant and fraudulent disregard of the popular vote cast at the November polls. And such a legal conclusion, which closed the eyes of the Commissioners to all allegations of fraud as well as special testimony, readily covered Louisiana's far more flagrant turpitude when the vote of that highly important State was reached later by the two Houses of Congress and sent likewise to the Commission for adjudication. Morally and positively the Democratic case against corrupt canvassers stood stronger in Louisiana than in Florida, as watchers of that board now back in Washington could testify, yet from the technical point of view already taken it seemed no better. And hence by 8 to 7, Bradley still standing with his brother Republicans of the bench, all evidence *aliunde* to offset Governor Kellogg's official certificate was absolutely excluded and Louisiana's eight electoral votes went to swell the needful aggregate of Hayes, though steeped in fraud and despotism.<sup>1</sup>

But when the Oregon case reached this tribunal such a ruling failed of application. If technicalities and a governor's official certificate were to prevail with the commission Tilden was surely elected, even were only one of its three votes placed to his credit. Here casuistry invented a distinction. The real difference consisted in the simple fact that while the actual popular vote in Florida and Louisiana afforded opportunity for dispute, no doubt whatever existed that Oregon's November vote had been cast for the Hayes electors and not for those of Tilden. And here in consequence, with a Northern State to consider, whose relation to the Union had always been normal, technicality hung its head. The whole Commission, indeed, voted unanimously, upon its own previous knowledge of the facts, that the vote of the Democratic elector, Cronin, should not, despite the official seal and

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<sup>1</sup> VII. Rhodes, 274, 275.

governor's certificate, be counted for Tilden, so as to determine the Presidency in his favor. All that the seven Democrats of this tribunal maintained was that the vote of the Republican elector who was disqualified by the constitution should be thrown out, as in case of a vacancy. This would have brought Tilden and Hayes to a prospective tie so as to throw the election into the House of Representatives. But that for the Republican eight of the Commission was too momentous a sacrifice, and, accordingly, against the official certificate of the governor of Oregon, the three votes of that State went by 8 to 7 to Hayes, as the people in November had doubtless intended. South Carolina was reached and sent to the Commission, last of all, and with reason fair enough, aside from the technical rule hitherto applied, the seven votes of that State were given to Hayes.<sup>1</sup>

Irritation over the total count as already figuring up seems to explain the Democratic vote averse to giving Hayes South Carolina. By the time that State was reached Tilden's supporters felt that they had been cheated out of a Presidency fairly and honestly won at the polls. Nevertheless, most Democrats in the House and Senate agreed to abide loyally by the terms of an arbitration statute they had helped to enact. Ex-Confederates who were members of Congress had in particular bound themselves early to suffer no imputations on their honor to arise in that respect, but to oppose all attempts whatever against the award of the Electoral Commission as sustained by either branch, and to accept results. When March opened, however, with the total count of the States still unfinished, turbulent attempts were made by about sixty recalcitrant Democrats of the House, mostly from the North and West, to filibuster and delay the count until the 4th of March should leave

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<sup>1</sup> Here, curiously enough, the Commission unanimously decided that the Tilden electors were not the lawful ones, and yet by only 8 to 7 that South Carolina's votes should be counted for Hayes. See at length VII. Rhodes, 265-277.

results in confusion and undetermined. What might happen in such a novel situation, they were reckless of considering. Speaker Randall checked such demonstrations with skill and resolution, as far as possible.<sup>1</sup> But these angry remonstrants received what seemed a formidable reinforcement from the Louisiana delegation, whose purpose, however, was not to exclude Hayes from a legitimate succession, but to get him to concede something if possible for their own State government. That desired result was quickly reached. Conferences took place with Ohio friends and apparently accredited agents of the Republican candidate. At a final gathering in Wormley's Hotel, held in the apartment of William M. Evarts who was the chief counsel for Hayes before the Electoral Commission, and prospective Secretary of State, a promise was made to Louisiana's representatives that, if Hayes came in as President, all Federal troops would be withdrawn from the State, and the people of Louisiana left to maintain a local government to suit themselves. Sherman, Garfield and Dennison of Ohio were among the parties present who gave such assurance. Watterson, who appeared at this conference, as he relates, with a similar mission to conduct on behalf of South Carolina, gained for that State a pledge of like purport.<sup>2</sup> Under such auspices the electoral count proceeded in good season to its end. The 4th of March falling on a Sunday, Hayes was that day quietly sworn into office by Chief Justice Waite, and then on Monday he was formally inaugurated President at the capitol, with the customary formalities, escorted by a procession on Pennsylvania Avenue, and accompanied in a carriage by Grant, the retiring President.<sup>3</sup>

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<sup>1</sup> VII. Rhodes, 277, 278. "When fraud is law, filibustering is patriotism," declared an Ohio Democrat of the House. *Ib.*

<sup>2</sup> Century Magazine, May, 1913, p. 19.

<sup>3</sup> VII. Rhodes, 279; author's recollections.

After a six weeks' sojourn in Washington through December, I left Washington, January 1, 1877, upon a Southern tour of recreation, returning to the city just as the electoral count for President was

As a lasting memorial of the laudable and patriotic efforts made by public men in Washington of both national parties, to work out to a just and peaceable conclusion a Presidential embroilment which had become highly

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finished by Congress and declared. I was a spectator of President Hayes's inauguration, to the extent of witnessing the procession as it passed through Pennsylvania Avenue to Capitol Hill, and the face of Hayes, as he rode in the open carriage, seemed to me anxious and apprehensive of personal danger.

A severe snow storm on New Year's day, when my wife and I started upon our Southern journey, blocked seriously our progress through Virginia and spread a wintry winding-sheet over the whole landscape, as far south as Atlanta. We passed a month in Florida, lingering at Jacksonville and St. Augustine, and then we resumed our journey as far as New Orleans, where we made a family visit of about a fortnight in February. By that time all appeared quiet and orderly in the crescent city, and business went on in its usual course so far as I could perceive. The Nicholls or Democratic government I found in peaceful possession of the State House, where the legislature was holding open sessions, with the stars and stripes flying from the roof. The Packard Republican legislature had been forced to occupy an old building elsewhere—formerly a theatre, if I remember rightly—which I also sought to visit as a spectator of its proceedings. But its inner doors were guarded by a white man of ruffian aspect who refused me admittance. Over the street entrance, however, was an outer balcony, which I saw occupied by various negro women, nursing their babies or lunching; and these, I was told, were the wives of certain legislators inside.

The opinion emphatically expressed by all intelligent white citizens of New Orleans with whom I conversed—scions of families, long resident there, who had never actually taken sides with disunion—was to this effect: "You may have your President at Washington, if you wish, but we are bound to have our own rightful State government, if we fight for it." This, after my return to Washington, I reported to General Devens of Massachusetts, when he assumed his duties as Attorney General of President Hayes's cabinet.

All my personal solicitude or effort, though this exciting winter, was as a private citizen desirous of peace and harmony. I had no personal ends in view, no office to seek, and no political credentials to show from anyone. My vote as an independent had been given in November to Tilden, and it was the first time in my life that I ever supported a party Democrat for national office.

dangerous and threatening, the Electoral Commission act of 1877 deserves all the praise that has ever been bestowed upon it. Yet that embroilment, we should remember, had been first occasioned by an unscrupulous hunt for Republican votes in Southern States scarcely yet relieved from the bayonet, whose canvassing boards were known to be dishonorable; which was followed up by the unconstitutional menace of a Republican Senate against the co-equality of the House of Representatives in counting and declaring results. As for the Electoral Commission itself, that mechanism in my humble opinion stands a lasting reproach in history. Its decisions as rendered by 8 to 7 were in essence evasive, insincere, inconsistent in principle and promotive of virtual fraud. "Overwhelming necessity"—or the alleged impossibility of taking full testimony during the brief space of time afforded—was a prime reason given for deciding without evidence *aliunde*. But what board of intelligent and honest arbitration, chosen to decide between private disputants of fact, will award conclusively in favor of one litigant for want of sufficient time to consider proofs of fraud set up by the other? This Commission spent precious days and hours in listening to the tedious arguments of counsel, when fully competent as experts in law and politics to conduct their own deliberations together without external prompting, and much of the time thus wasted might have been bestowed in ascertaining facts. Had the earliest case, that of Florida, a simple one, been patiently investigated by them, whether in giving credit to the results reached by the highest court of that State or by taking testimony independently, Hayes would have lost the Presidency at once, and the remaining count by Congress would in all probability have proceeded with expedition to its close.

I venture the assertion, that of all the decisions made by this special tribunal of 1877 the only one which stands of use for future precedent is that unanimously rendered in the case of Oregon—to the effect that, in any close reckoning between Presidential candidates, the party electors chosen by the people of a State in November cannot be over-

thrown in favor of an elector or electors of the opposite party, so as to turn the scale in a national count; and that wherever it proves that any State elector voted for was constitutionally disqualified to serve, the only question to be considered is whether to treat that elector as dropped altogether or, considering the mistake as corrected, to give to the State its full electoral vote for President as the voters actually intended.

A large painting of this electoral tribunal was accepted, many years ago, for the Senate wing of the capitol. It gives many portraits of commissioners, counsel and eminent spectators. But that painting has not been multiplied in the school books, nor sought out by tourists to be gazed upon with pride and reverence, like the Trumbull pictures in the rotunda. Congress, since 1877, has put into written enactment the matters for its own electoral procedure which only joint rules or oral custom supported at this earlier date. In case of a disputed Presidency hereafter, the two Houses, with such legislation, can conduct their own count unaided by any external tribunal and uncontrolled by the President of the Senate. No Electoral Commission is ever likely to be created in this Union again; and as for that of 1877 an intelligent posterity will wish it forgotten, and the means whereby Hayes became substituted as legitimate President in place of Tilden blotted from our annals.<sup>1</sup>

On the 4th of March at high noon this Congress came to an end, after a protracted session of nearly twenty-four hours, and President Hayes was left free to pursue his own plans without hindrance. All the essential appropriation bills went through, but a great deal of business was left unfinished in either branch. Few laws of im-

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<sup>1</sup> The Act of February 3, 1887, establishes the effect of a concurrence or non-concurrence of the two Houses over the electoral vote of any State, substantially as the Electoral Commission bill now provided. But it does not provide that a governor's certificate under the State seal shall be conclusive in case of a dispute, and refers the contest to the State courts. Cf. VII. Rhodes, 283.

portance could pass, where so much time had been lost over the electoral dispute and the two Houses were diametrically opposed politically. The bankruptcy law was left unchanged. There was no legislation for the Pacific railroad, the distribution of the Geneva award, the equalizing of soldiers' bounties, or a proposed transfer of the Indian bureau from the Interior to the War Department. All subsidy bills fell by the wayside. The Senate laid over the House measure which deferred resumption and treated all financial efforts of that branch with contempt.

On the whole this forty-fourth Congress, though numbering among its members many late insurgents of the South, with ex-Confederate brigadiers—men but lately disfranchised in politics—was loyal in spirit and showed a record more free from jobbery and sinister favoritism than any which had preceded it since the Civil War. In both Houses were many men of wisdom and moderation and various investigations were here started which the evidence drawn out amply justified. But the majority of the House showed to the end a masterly ignorance in finance and sound economics.<sup>1</sup> The bucolic North-West, hostile in its rude Democracy to the East and our public creditor, induced the House to pass a bill, at this final session, which proposed making the silver dollar a legal tender wherever gold payments were not positively required by law.<sup>2</sup>

Grant, as the day of his retirement from Chief Executive drew near, betrayed an unwonted consciousness that his eight years' administration had been somewhat of a failure. In his opening message of December, 1876, he made a naïve confession of his utter lack of training for civil administration, though claiming still that his scheme for annexing San Domingo was a just one. To the Electoral Commission bill when it came to him for signature, he

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<sup>1</sup> N. Y. Nation, March 1, 8, 1877; Harper's, May, 1877.

<sup>2</sup> Cong. Globe; Harper's, Feb. 1877.

gave his earnest approval, as though relieved of a dreaded responsibility over the succession. And, shortly before his term of office came to an end, he gave assurance that he would not longer take sides in recognizing the rival State governments of Louisiana and South Carolina. Our people, he observed candidly, were tired of having Southern State governments propped up by external military force, and he blamed Congress for shirking its own duty of providing for such distracted situations as had existed in that section while putting all the discretion and responsibility upon him. This final summing up of the whole matter, as the conviction of his own experience, was the wisest utterance Grant ever made on the Southern question.<sup>1</sup>

These eight Presidential years of our chief military hero had been a terrible disappointment to honest and patriotic voters, seeking no favors for themselves, who had hailed his accession with joy to the chair which a Washington had first occupied. His course of official action, instead of improving upon experience and an added knowledge of his official duties, seemed fatuously impelled from bad to worse, as the years of his administration went on. This was largely due to bad surrounding influences in polities to which he yielded—to the pressure for household and family emolument which came upon him, and to social acquaintances and the public men of fiercely partisan views who gained most closely his acquaintance. San Domingo was the only fight which he seemed to have waged with the obstinacy of a personal pride, just as his veto of inflation was the only real public action for which the full praise was clearly his own. His perverse support of the wrong party so long, in dealing with the Southern situation—which he had taken up his first year, with a really fair and reconciling purpose—was due apparently to the advice he followed from Republican leaders with whom he most consorted. Love of the negro or deep reverence for the sanctity of a ballot box which knew no racial dis-

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<sup>1</sup> N. Y. Nation, March 1, 8, 1877.

tinction could hardly have inspired one of his attitude towards San Domingo and the District of Columbia; and certainly he remained generous in feeling towards ex-Confederate foes who had fought him courageously in former years.

So far as politics were concerned Grant was a conservative by taste and temperament, and except, perhaps, for his continuance at the head of affairs, the game had little interest for him. Yet through the blunders he made he nearly split the Republican party to which he belonged in the elections of 1870 and 1872, and in those of 1874 and 1876 he well-nigh wrecked it altogether.

This truly great military commander, in fact, made the great mistake of his life in accepting the Presidency, at all; and hence it should not be said in fairness that this consummate office is never to be declined, as well as never sought. Likely enough, Grant in the retrospect thought this; though our people of the North were ardent enough in pressing the office upon him. As the consummate hero of our Civil War, and, considering the range of his service and achievement, the greatest of all the great generals who fought on either side, I have joined in praising him most heartily;<sup>1</sup> and the pathos of the low and steady rise of his star, during those fearful years, sometimes clouded but ever brightening, despite indifference, obloquy or distrust, must be felt by all the generous-hearted of American youth. But the glory of Grant's attainments was professional and to the profession of soldier he should always have kept, refusing the Presidency for his own and his country's good, as Julius Cæsar is said to have done the kingly crown. For, as general-in-chief, Grant's military tenure upon a handsome salary was for life, and with no more wars on the horizon to risk his well-earned reputation upon he would have found the last years of his life gladdened by the good will and affection of a prosperous and reunited people, the first citizen of the land, best loved and best respected. But that military meed he transferred to

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<sup>1</sup> Vol. 5, p. 602,

his friend, General Sherman, who took the office of chief military command and, so far as he might, its honors, besides the emoluments.

In the opinion of those who knew him best Grant combined strong traits of personal character with great weaknesses. Rawlins, it was said, knew how to bring out what was best in him, and perhaps the early death of that mentor after entering the cabinet was in some sense a misfortune to the President; for, at all events, Grant was highly susceptible to surrounding influences, unimpassive and imperturbable though he seemed; he loved his family and congenial comrades, and had in his nature a strong sense of gratitude. Hence the crafty, supple and insinuating learned how to gain the ascendancy over one who was simple in character and free from guile, and yet approachable through the subtle arts of indirection. While President, Grant seldom rose above the commonplace in imparting direction but kept to the happenings while pursuing a routine. The better and more inspiring ideals of his early life must have come from his West Point training, which usually develops the instincts of gentlemanly honor, high breeding and comradeship, among youths educated to command others in the military profession. This, together with his experience in the Mexican War, gave him a standing indispensable to his full rise in the Civil War and procured for him friends of rank among regular army officers, where he had begun service as a volunteer. But the tastes and companionships Grant had formed during the intervening years of unprosperous civil pursuits, in tanning or real estate, were sordid and degrading, and these he could not wholly shake off when at the pinnacle of his fame. Hence he responded to those of vulgar wealth and luxury, and could consort with the "hail fellows" who sported fast horses, displayed flashy jewelry or spent profusely in eating and drinking.

Thousands of Union men at the North who had aided in advancing this great soldier to the Presidency, were misled by his reticence and stolid demeanor to expect great things from his wisdom and public impartiality. Grant

did not, as he should have done, apply himself to study and investigation while holding the supreme magistracy, nor weigh deliberately the best counsels of competent statesmen offered from different points of view. He was content to rest upon the advice of Republican partisans who had selfish party ends to gain, and who, like himself, inclined to use the patronage of official station for personal advantage. His love of wealth and coarse display made Long Branch his favorite summer resort, and, while dangerously inclined to the Fisks, Jay Goulds, Murphys and McDonalds of parvenu antecedents, he developed repugnance to most men of the academic pattern except for the faithful Fish. The high moral and cultured statesmen such as Sumner, Schurz, Motley and Curtis failed to draw and even repelled him. His knowledge of men, which was great where military relations alone were concerned, did not extend to civilians nor to society at large. He was not fixed in principles or public purpose except in the one or two instances which I have already dwelt upon, and he probably looked upon politics with something of a military contempt. He would vacillate from good to bad, from one sort of man to another, in his highest appointments; as for instance in cabinet selections, in choosing a Chief Justice or in supplying a successor to Motley for the English mission.

But as one of his choicest admirers and best acquaintances—"Mark Twain"—remarked of him, Grant could accept a long bombardment of praise and applause in these years like a man of iron, facing an enthusiastic audience on their feet, without moving a muscle.<sup>1</sup> His nerve or stolidity, while under a fire of any kind, was always wonderful. He learned, while President, to become a fairly good speaker, but the imperturbable demeanor characteristic of him he maintained to the end of his life.

As a military commander Grant could plan campaigns, change and modify with resourcefulness and energy and carry out some grand scheme of operations of his own

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<sup>1</sup> Paine's Biography of Mark Twain, vol. 2, p. 654.

devising. But it was otherwise with civil affairs while he was President. Here on most occasions he did little more than execute or give a permissive consent to what Congress or his advisers contrived for him. He went from one thing to another in the recommendations of his public messages. To civil service reform he gave a half-hearted commendation and then went back without reluctance to the apportionment of party spoils and the assessment for party politics upon the office holders. Anti-sectarian schools was one of the latest topics he sought to impress upon Congress, and then apparently dismissed from his thoughts.

Yet Grant at the White House was a pathetic figure,<sup>1</sup> as though seeking in a bewildering way to know his duty and render a conscientious performance. He must have despised at heart some of the Congressmen who got a strange hold upon him, for he could penetrate motives to a considerable extent with all his obtuseness, and he possessed personal integrity throughout, honesty and an undeniable patriotism. As during the course of his military experience, he thought, most likely, that the assumption of calm confidence when in real perplexity told with importance in winning a victory. Grant's mood when retiring from the Presidency, however, appears to have been more chastened and subdued than in earlier years, and far more so than when he first took the oath of supreme office. A great soldier may develop into an able despot—he may issue decrees in civil affairs and govern a people by his own satraps and subordinates, like an Augustus, an Alexander or a Napoleon; but, as is well remarked, he cannot become thus fitted for the harness of a constitutional government, nor learn, without much study and receptiveness, besides constant and persevering efforts, to apply with discrimination the limited executive authority mapped out under a written charter of fundamentals which holds a system of States in combination.

But Grant, years after his present retirement, followed

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<sup>1</sup> So James Russell Lowell once remarked.

by a famous tour of the world, was destined to become once more a heroic figure at the close of life. We see him in 1885, after a painfully unsuccessful effort to amass a fortune in Wall Street, through a pursuit of gain for which he was wholly unfitted, writing out in the extremity of a slow and wasting last sickness those admirable Memoirs which procured for his family, upon his death, a handsome fortune, besides placing his name high in posthumous literature. We see him working rapidly and industriously, through weakness and suffering, to fulfil a publishing contract, calm and uncomplaining, never flinching or flagging, and in his very last days, when taken to Mount McGregor, sitting, almost exhausted, with a shawl about his shoulders, unable to converse except by writing on small slips of paper, while he put the final touches to a clear, simple and lucid narrative, just in its estimates of others, and wholly composed by himself.<sup>1</sup> Congress had done a graceful and becoming thing this self-same year, in placing the iron warrior on the retired army list, with full pay as general for the rest of his life.<sup>2</sup>

To conclude the record of 1877 and the whole story of Southern reconstruction. Iniquitous as we must deem that electoral figuring which placed Hayes instead of <sup>1877, March</sup> Tilden in the White House for the coming term of four years, it was probably better, under all the circumstances, for the peace of the country and the safe re-establishment of all the ex-Confederate States as loyal once more. Tilden, had he been seated at this time as Chief Executive, would have found a difficult situation, taxing a statesman's severest energies and wisdom to work out well while he maintained his political party in power. With a hostile Senate to annoy and obstruct, still under shelter of a modified Tenure of Office act, wherever he made appointments; with a solid South from which the Federal army would, of course, have been withdrawn, as an object of political jealousy and dislike to loyal States elsewhere; with the needful co-operation of Democratic

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<sup>1</sup> Bigelow's *Mark Twain*, c. 155.

<sup>2</sup> *Ib.*

leaders at Washington, with whom this New York Executive had but little acquaintance; with extremists of the Republican party ready to fan into a flaming grievance all suppression of the negro vote; and with the inflation sentiment in the Democratic Northwest to hinder resumption and the sound financial policy to which he himself was committed, Tilden would have needed all his resourcefulness unimpaired to accomplish a successful administration. His skill and capacity for so stupendous a task we need not question, were he sure of robust and vigorous health, throughout his term; but of that there was doubt. Already during the winter of strife he had shown signs of old age; he was procrastinating, slow of action, not positive enough to inspire his following. And whether or not he was conscious of this and preferred the serenity of his domestic abode, surrounded by all the comforts of life, to further political turmoil, it is certain that he never consented to stand for the Presidency again nor sought a vindication from the voters.

But with Hayes installed in Executive office, the experiment of forcing a negro and carpet-bag despotism upon the Southern States came to an end as the natural result of Republican consent to abandon it and under the auspices of the same great national party that had set it in operation. And Hayes himself, honest of purpose and faithful to the pledges made for him by his friends, whether with his previous sanction or not, while the electoral count was being completed, undertook, upon his accession to office, that the policy of military intervention in Florida, Louisiana and South Carolina should come speedily to an end.<sup>1</sup>

Of those States, Florida had regained already its equilibrium, free from Federal interference. A mandamus issuing from the supreme court of that State, <sup>January</sup> Stearns, who had been counted in as governor by the canvassing board, was ousted and Drew, Democrat, admitted in his stead. On January 2, 1877, Drew was

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<sup>1</sup> *Supra*, p. 342. See also letter of Stanley Matthews and Charles Foster, alluded to in VII. Rhodes, 286.

peaceably inaugurated and Florida's legislature organized with a Democratic majority.<sup>1</sup>

But in South Carolina and Louisiana, dual governors and dual legislatures were still in rivalry; Federal troops maintaining a Republican ascendancy, while the intelligence and property of each State strongly supported the Democratic claimants. In South Carolina Wade Hampton had the State courts on his side, while Chamberlain stood upon the canvass made by a Republican canvassing board, which had thrown out the votes of two Democratic counties for his benefit. On March 23, Hayes summoned <sup>March,</sup> both Chamberlain and Hampton to Washington <sup>April.</sup> and after frank conferences announced his intention with the advice of his whole cabinet to withdraw all United States troops from the State House at Columbia. This settled the controversy in Hampton's favor; the order took effect, April 10, and on that day Chamberlain withdrew from office, turning over the Executive records and papers.<sup>2</sup> A similar course Hayes pursued towards Louisiana though with more deliberation. Sending to New Orleans a commission of fair-minded Republicans to prepare the way, the new President gave his order for withdrawing the Federal troops, on the 20th of April. This, again, gave the quietus to so-called Republican domination in the State. The Nicholls government in New Orleans at once took full control of the State and the Packard claimant retired.<sup>3</sup> It mattered little in Louisiana that by refusing a Republican State recognition Hayes virtually impeached his own title; for by this time the Presidency was safely his under act of Congress, while it was plainly manifest that further use of Federal troops to take sides against white citizens and residents who were capable of managing their own affairs would be intolerably oppressive.

Hewitt, who was the chairman and chief party manager for Tilden has made positive assertion that Louisiana's electoral vote was sold for money.<sup>4</sup> Watterson, with more

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<sup>1</sup> VII. Rhodes, 285.

<sup>2</sup> *Ib.*, 287.

<sup>3</sup> *Ib.*, 287, 288.

<sup>4</sup> *Century Magazine*, May, 1913, p. 15.

point, recalls an assertion that Wells and Anderson, of the returning board in that State, took their final pay, if not in cash, at least in patronage.<sup>1</sup>

We should not readily believe that any positive bargain ever passed between these reprobates and the visiting Republicans. Yet, among the Republican watchers of the count, none as we have seen was more resolute of purpose or specious in methods for securing Louisiana than Senator Sherman. With Hayes as President he would be Secretary of the Treasury, and this he probably knew. No promise need have passed under such conditions: a broad hint, a few words of inducement, were enough to create an expectation in return, equivalent to a good understanding. However this may have been, it is undeniable that all the members and clerks of this corrupt returning board, or some of their relatives, received good custom-house positions at New Orleans, when Sherman became head of the Treasury. This is the most blackening incident of Hayes's administration in connection with the Louisiana electoral count.<sup>2</sup>

President Hayes, on the whole, made a clean and creditable administration for his party, which, indeed, so profited by the wisdom and moderation shown in affairs by himself and his capable cabinet, that the Republican party renewed for another Presidential term, without interruption, its long continued supremacy in national polities. For in the Presidential contest of 1880 neither Hayes nor Tilden risked a personal canvass, but left the field clear for other aspirants. The Southern negro, on whose behalf since 1860 so much precious blood had been poured out by men of the higher race on either side and so many billions of treasure expended, soon ceased to become the pawn of vicious politics and turned to cultivating

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<sup>1</sup> Century Magazine, May, 1913, p. 15.

<sup>2</sup> See list of appointments or retentions given in VII. Rhodes, 289. Wells (followed by the appointment of his son in 1880) continued surveyor; Anderson was deputy collector; Kenny was naval officer; and Casanave's brother became U. S. storekeeper.

better social and industrial relations where he resided, under the assured condition of a permanent freedom and citizenship. The period of reconstruction followed that of civil war into the irrevocable past, and a new era dawned upon us of peace, prosperity and the exertion of a strong example among the world's great powers. Henceforward this constitutional government of the "one from many" States was destined to become less of a confederacy and more of a unified nation.

## APPENDIX.

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### A. ELECTORAL VOTE BY STATES FOR PRESIDENT, 1865-1877.

STATES.		U. S. Grant, Rep.	H. Seymour, Dem.
1	Alabama.	8	
2	Arkansas.	5	
3	California.	5	
4	Connecticut.	6	
5	Delaware.	3	3
6	Florida.	3	
7	Georgia.	16	9
8	Illinois.	13	
9	Indiana.	13	
10	Iowa.	8	
11	Kansas.	3	
12	Kentucky.		11
13	Louisiana.	7	7
14	Maine.	7	
15	Maryland.	12	
16	Massachusetts.	8	
17	Michigan.	4	
18	Minnesota.		
19	Mississippi.		
20	Missouri.	11	
21	Nebraska.	3	
22	Nevada.	3	
23	New Hampshire.	5	
24	New Jersey.		7
25	New York.	9	33
26	North Carolina.	21	
27	Ohio.	21	3
28	Oregon.	26	
29	Pennsylvania.	4	
30	Rhode Island.	6	
31	South Carolina.	10	
32	Tennessee.		
33	Texas.	5	
34	Vermont.		
35	Virginia.	5	
36	West Virginia.	8	
37	Wisconsin.		
Total.		214	80

Mississippi, Texas and Virginia did not vote.  
 For Vice-President the electoral votes of Schuyler Colfax (Rep.) and F. P. Blair, Jr. (Dem.), corresponded.

## ELECTORAL VOTE OF 1872.

	STATES.	U. S. Grant, Rep.	H. Greeley, Lib. Rep. and Dem.
1	Alabama.	10	
2	Arkansas.		
3	California.	6	
4	Connecticut.	6	
5	Delaware.	3	
6	Florida.	4	
7	Georgia.		
8	Illinois.	21	
9	Indiana.	15	
10	Iowa.	11	
11	Kansas.	5	
12	Kentucky.		
13	Louisiana.		
14	Maine.	7	
15	Maryland.		
16	Massachusetts.	13	
17	Michigan.	11	
18	Minnesota.	5	
19	Mississippi.	8	
20	Missouri.		
21	Nebraska.		
22	Nevada.	3	
23	New Hampshire.	5	
24	New Jersey.	9	
25	New York.	35	
26	North Carolina.	10	
27	Ohio.	22	
28	Oregon.	3	
29	Pennsylvania.	29	
30	Rhode Island.	4	
31	South Carolina.	7	
32	Tennessee.		
33	Texas.		
34	Vermont.	5	
35	Virginia.	11	
36	West Virginia.	5	
37	Wisconsin.	10	
	Total.	286	

In 1872, Horace Greeley having died after the November election of electors but before the electoral vote was cast in the colleges, the Greeley electors scattered their votes without concert by way of compliment. Thomas A. Hendricks received 42 votes from Louisiana, Maryland, Missouri, Tennessee and Texas; B. Gratz Brown, 18 from Missouri, Kentucky and Georgia. Other scattering votes went to other persons, while 17 irregularly cast were not counted by Congress. The States in the above table not counted for Grant went in November for Greeley.

B. Gratz Brown was regular candidate for Vice-President on the Greeley Ticket, but the electoral votes were scattered for that office also, Brown receiving 47 of them.

## ELECTORAL VOTE OF 1876.

	STATES.	R. B. Hayes, Rep.	S. J. Tilden, Dem.
1	Alabama.		10
2	Arkansas.		6
3	California.	6	
4	Colorado.	3	
5	Connecticut.		6
6	Delaware.		3
7	Florida.	4	
8	Georgia.		11
9	Illinois.	21	
10	Indiana.		15
11	Iowa.	11	
12	Kansas.	5	
13	Kentucky.		12
14	Louisiana.	8	
15	Maine.	7	
16	Maryland.		8
17	Massachusetts.	13	
18	Michigan.	11	
19	Minnesota.	5	
20	Mississippi.		8
21	Missouri.		15
22	Nebraska.	3	
23	Nevada.	3	
24	New Hampshire.	5	
25	New Jersey.		9
26	New York.		35
27	North Carolina.		10
28	Ohio.	22	
29	Oregon.	3	
30	Pennsylvania.	29	
31	Rhode Island.	4	
32	South Carolina.	7	
33	Tennessee.		12
34	Texas.		8
35	Vermont.	5	
36	Virginia.		11
37	West Virginia.		5
38	Wisconsin.	10	
	Total.	185	184

For Vice-President the electoral votes of William A. Wheeler (Rep.) and T. A. Hendricks (Dem.) corresponded.  
See *supra*, p. 311 *et seq.*, as to the dispute over this election.

B. LENGTH OF SESSIONS OF CONGRESS,  
1865-1877.

No. OF CONGRESS.	No. OF SESSION.	TIME OF SESSION.
39th.	1st.	Dec. 4, 1865-July 28, 1866.
	2d.	Dec. 3, 1866-March 4, 1867.
40th.	1st.	March 4, 1867-March 30, 1867.
	1st.	July 3, 1867-July 20, 1867.
	1st.	Nov. 21, 1867-Dec. 2, 1867.
	2d.	Dec. 2, 1867-July 27, 1868.
	3d.	Dec. 7, 1868-March 4, 1869.
41st.	1st.	March 4, 1869-April 10, 1869.
	2d.	Dec. 6, 1869-July 15, 1870.
	3d.	Dec. 5, 1870-March 4, 1871.
42d.	1st.	March 4, 1871-April 20, 1871.
	2d.	Dec. 4, 1871-June 10, 1871.
	3d.	Dec. 2, 1872-March 4, 1873.
43d.	1st.	Dec. 1, 1873-June 23, 1874.
	2d.	Dec. 7, 1874-March 4, 1875.
44th.	1st.	Dec. 6, 1875-Aug. 15, 1876.
	2d.	Dec. 4, 1876-March 4, 1877.

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## GENERAL INDEX

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